

Milosevic & Aanklaachten

Map 4A

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
 Aan: <Undisclosed-Recipient:>
 Verzonden: woensdag 5 november 2003 2:33
 Onderwerp: THE HAGUE TRIBUNAL AND THE FUTURE OF

THE HAGUE TRIBUNAL AND THE FUTURE OF SERBIA

Vladimir Krsljanin, Sloboda/Freedom Association, Belgrade

(written: May 2003 / updated and translated from Serbian: October 2003)

George Soros, one of the main sponsors of The Hague Tribunal and of the currently ruling clique in Serbia, received with the full honours paid to him by this clique, demanded recently on the Serbian soil the "independence for Kosovo". An international conference on Bosnia & Herzegovina is being prepared, supposedly to abolish Republika Srpska. What would be the "legal basis" of such acts? "Organized expulsion of the Albanians" from Kosovo & Metohija, as well as "genocide that founded" Republika Srpska. Who creates this "legal basis"? The Hague Tribunal.

- If you knew what you don't know, would it be in favour or to the detriment of the Accused?

- Certainly, it would be to his detriment.

Approximately thus ran the dialogue between the Prosecutor and a certain de la Brosse who had accepted, although he doesn't speak a word of Serbian, to appear before the Tribunal as an expert witness, i.e. an expert on the media in Serbia and in the Slobodan Milosevic trial, no less. If an institution of that class is allowed to judge our modern history without being resisted in an organized manner, we are to lose our state, billions of dollars and any respect from others, as well as the right to consider ourselves a civilized nation.

Just on its inglorious tenth anniversary, the Tribunal took another Serbian life – that of General Momir Talic. Earlier on, The Hague detention had accelerated the end of Slavko Dokmanovic, Dr Milan Kovacevic, General Djordje Djukic. Simo Drljaca and Dragan Gagovic were killed while being arrested, and Vljeko Stojiljkovic committed suicide in protest.

The reminder of the inglorious balance of the «first ten years» of the Tribunal is the following: 45 indictments have been brought in against the Serbs, 12 against the Croats, 5 against the Muslims, one against the Albanians, and none against the Americans and their NATO allies. Among those sentenced were 13 Serbs, four Croats and three Muslims. Three Croats and two Muslims were acquitted. These statistics alone speak of bias and the political character of the Tribunal.

1. THE HAGUE TRIBUNAL IS ILLEGAL

Experts from 87 countries, including Professor Smilja Avramov, participated at a meeting organized by the UN on the eve of the adoption of the Statute, or rather before the formal establishing of the Tribunal. None of these experts have pronounced themselves in favour of this new creation. Nevertheless, the Security Council Resolution No. 827 was adopted unanimously on 25 May 1993. The motion to adopt this Resolution was tabled by France. Russia was also among the authors of the Draft Resolution. The "original idea" to establish an international criminal court based upon the Chapter VII of the UN Charter, rather than upon a treaty, is believed to belong to the former UN Secretary-General, Boutros Boutros-Ghali. Even the establishing of the Nuremberg and Tokyo Tribunals had been based upon treaties. In this case, the law was overridden by a political argument – that such a procedure would take too much time. Article 24 of the UN Charter assigns the Security Council "primary responsibility for the maintenance of international peace and security", while Articles 41 and 42 (of Chapter VII) enable it to impose sanctions against countries. However, the only crime outside the Tribunal's jurisdiction is the very crime against peace, and the Tribunal itself doesn't try states at all, but only individuals. The establishing of the Tribunal draws upon the Article 29, which stipulates the right of the Security Council to establish "subsidiary organs as it deems necessary for the performance of its functions". However, since the Security Council has no judicial function (within the UN system only the International Court of Justice does), it cannot be delegated to a subsidiary organ, either.

The Tribunal conducts trials involving acts of grave breaches of the Geneva Conventions. Most of them relate to international conflicts. However, temporal jurisdiction of the Tribunal was assumed on 1 January 1991, namely seven months prior to the unilateral secession or rather the declaration of independence of Slovenia and Croatia (and two and a half years prior to the establishing of the Tribunal itself). Thus the retroactive application of the principles of criminal law is being introduced, a deviation from the generally accepted. This is because the Tribunal in practice either treats all conflicts as international without proving it, or imposes the application of international norms on conflicts other than international as well. However, this can relate only to the application of these norms by national courts. (*N.A. Zverev: Prestupleniya i nakazaniya, Nezavisimaya gazeta, 26 maya 2003g*).

The exemption of natural persons from a national jurisdiction is possible only if a state has committed an international crime (something which has not been determined by the International Court of Justice, and which is beyond the competence of The Hague Tribunal to determine), or if a state voluntarily agrees to it, by entering into a treaty. Moreover, The Hague Tribunal has only recently started to shyly accept the right of any state to put its citizens on trial for war crimes or crimes against humanity.

When *ad hoc* tribunals are concerned, the absence of universality or rather of equality as one of the basic legal principles is contrary to the principle of sovereign equality of states as well. At the last Security Council session discussing the work of The Hague Tribunal, held in November last year, which was closed to the public, the representative of Russia pointed out the illogical situation of the simultaneous existence of both the International Criminal Court (whose Statute has not been ratified by Russia either, by the way) and the *ad hoc* tribunals for Yugoslavia and Rwanda (the lack of the permanent International Criminal Court had been one of the key arguments for their establishing). In his words, the way out of this situation might be sought in the fact that all the states of the former Yugoslavia have ratified the Statute of the International Criminal Court.

Unfortunately, this clear diplomatic signal found no response from the Belgrade authorities.

In the situation when nobody has yet initiated the procedure for providing an advisory opinion from the International Court of Justice on the legality of the decision to establish the Tribunal, the unofficial judgement was passed by Professor Mohammed Bedjaoui, former President of the International Court of Justice, in his book "The New World Order and the Security Council: Testing the Legality of Its Acts", by including the Resolution No. 827 and the one that preceded it, No. 808, among those legally most contentious and the first that should be subject to test.

As a result, the Resolutions No. 808 and 827 do not create legally binding obligations, particularly in view of the Article 25 of the UN Charter, which explicitly states: "The Members of the UN agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". By its advisory opinion of 21 June 1971, the International Court of Justice also confirmed that the Member States are not obligated to carry out the Security Council decisions that are not in accordance with the Charter.

2. THE HAGUE TRIBUNAL IS A POLITICAL COURT

The statements from the former Prosecutor Louise Arbour, US Secretary of State Madeleine Albright ("mother of the Tribunal"), NATO spokesman Jamie Shea and others, testify to the direct dependence of the Tribunal on the US Administration and the NATO Alliance. At the time of the kidnapping of President Milosevic, the conspicuous link to the NATO Alliance web site disappeared from the Tribunal's homepage, and that was the only other link there, in addition to the link to the UN website.

The Tribunal that should be independent from all governments shows unacceptable bias also in its financing, to which the Government of Saudi Arabia and George Soros contributed or still contribute, in addition to large sums from the UN budget, as well as in recruiting its personnel from the intelligence services of the countries that waged the war against Yugoslavia.

The Indictment against President Milosevic and other highest officials of Serbia and the FRY was initiated in the midst of NATO aggression upon our country. There are many examples of a direct connection between the work of the Tribunal and political circumstances. The first Indictment against Karadzic and Mladic was initiated immediately after the attack on Srebrenica had begun, and the second one after NATO bombardment of the Republika Srpska. The Indictments against Slobodan Milosevic covering Croatia and B&H were initiated only after the Tribunal had taken hold of him. The liability of individuals for the crimes against the international law cannot be separated from the liability of states for these crimes. However, The Hague Tribunal conducts trials of individuals, while the liability of states is not determined.

On the other hand, the Tribunal's Prosecution dismissed the motion to indict NATO leaders for war crimes committed during the aggression upon Yugoslavia, by appointing as the presenter the former legal adviser to the Ministry of Defence of Canada. Naturally, the presenter concluded there was no probable cause to initiate investigation.

The position of the US Administration on the jurisdiction of international courts over

its own citizens can be instructive to us as well, at least to such an extent that one of the methods of our defence against biased Tribunal might be to initiate as many proceedings as possible against the US citizens whose liability for the war crimes in Yugoslavia is undeniable.

3. THE HAGUE TRIBUNAL MASSIVELY VIOLATES HUMAN RIGHTS

The International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the practice of the European Court of Human Rights lay down the standards in the area of the judiciary, from which the rules and practice of The Hague Tribunal undoubtedly and drastically deviate. Unfortunately, and unfortunately not by accident, the situation with human rights in Serbia has been recently taking a similar shape as well.

As listed in their detailed and well-argued "Motion to Appear Before the Trial Chambers as *Amicus Curiae*" (tabled as early as September 2001), but naturally completely ignored by the Tribunal, a group of 12 professors from the Faculty of Law in Belgrade, headed by Professor Kosta Cavoski, DSc, the work of the Tribunal shows the following drastic deviations from the aforesaid documents, as well as from its own regulations:

1. Combination of legislative and judicial functions;
2. Combination of prosecuting function and the function of the judiciary;
3. Violation of the principle of a two-instance court procedure;
4. Violation of the right to liberty under the rules and practices for detention;
5. Retroactive application of the principles of criminal law and the illegality of sanctions;
6. Violation of the right to defence by treating the elements relevant for defence as confidential;
7. Disproportion in working conditions between the Prosecution and the Defence;
8. Violation of the procedural principle by accepting media accounts as common facts;
9. Lack of expertise of the judges to conduct a trial due to their unfamiliarity with the historical, political and civilizational context;
10. Disregard for the presumption of innocence, or rather the establishment of the presumption of guilt;
11. Violation of human rights during the arrest and extradition, failure to employ *habeas corpus*;
12. Additional violations of rights in the atypical circumstances of the trial of Slobodan Milosevic (who does not recognize the Tribunal).

The principle adopted by international judicial practice is the prohibition on extradition of the citizens (even when there is a formal legal basis for it) to a country or a legal system in which the judiciary violates human rights. This is another strong point in protecting the rights of our state and our citizens.

It is also necessary to activate all the mechanisms for the protection of human rights, both within the UN system (including the personal responsibility of the Secretary-General and the High Commissioner on Human Rights in relation to the Charter), within the International Covenant on Civil and Political Rights and within the European institutions.

What kind of reputation could such an institution have is well illustrated by the information that while electing, in February 2003, 18 judges for the International Criminal Court (out of 43 candidates), when 85 countries participated in voting, the former President of the Tribunal French Judge Claude Jorda was the last one to be elected, not until the 33rd round of voting!

4. THE SIGNIFICANCE OF THE DEFENCE OF SLOBODAN MILOSEVIC

The Hague Tribunal apparatus, amounting to 1,300 employees, is not only unsuccessfully attempting to justify and prolong its existence with the trial of President Milosevic, but is also becoming a controlling factor of the internal political circumstances in Serbia, thanks to its huge intelligence potential (probably the highest concentration of intelligence personnel and experts in the world, dealing exclusively with one country), which has been proven by the events related to the assassination of the Prime Minister Djindjic, illegally imposed state of emergency in the country and the abuses thereof.

The fact that many of those arrested during the state of emergency were previously making statements to the Prosecution in The Hague, as well as the timing and the manner in which the Tribunal presented to the public the video showing a ceremonial visit of President Milosevic to the Special Operations Unit base in Kula, provide the basis for suspicion of the Prosecution's involvement in the latest events. This has been further supported by the manner of distributing to the public the insinuations as proved facts, allegedly resulting from the police questioning of detainees, on the involvement of President Milosevic and members of his family in crimes that had caused political damage to nobody but him, by the way. The Prosecution, whose presentation of evidence leaves a general impression that the Accused is innocent, and the Government that lost the confidence of the citizens, are doing the same job and in an obvious coordination. After the unilateral withdrawal of the counterclaim against B&H and the abandonment of the work on the counterclaim against Croatia before the International Court of Justice, this Government is preparing to formally renounce any legal action against NATO Member States, after the unsuccessful amateurish attempt to compel the court to dismiss the charges against NATO by the futile arguing that we have no right to be a party to a litigation since we were not a UN Member.

After the short-lived and limited media effects in Serbia, this whole campaign resulted in preventing contacts of Slobodan Milosevic with the members of his own family, which is a form of psychological pressure on a prisoner, that we recollect only from the times of the Ottomans and the Nazis.

When Slobodan Milosevic is concerned, the magnitude of the violation of human rights is directly proportional to the significance attributed to this trial by the Tribunal. We will list only the most remarkable examples. The extradition without a valid court decision, in addition to a gross violation of the Constitution, which was adjudicated upon by the Federal Constitutional Court on three different occasions. The majority of witnesses have no direct knowledge of the events they testify about. The violation of the presumption of innocence by proving certain criminal acts through the existence of other criminal acts, not determined in court proceedings as committed. Experts basing their "expert analyses and opinions" on the allegations from the Indictment itself, used as a starting point for their analyses. Witnesses and experts employed by the Prosecution. Cross examination limited in time and in subject. Unjust and increasingly frequent barring of the public from the trial. Violation of the right to defence and of the principle of "equality of arms" by the Prosecution that has a huge team and vast material resources, by producing huge quantities of material, impossible even to read in several years' time and finally practical abolishment of the right to defence by granting the defendant only three months (in fact six weeks) to prepare his case while in detention. Conditions in detention and the pace of the trial that amounts to torture of the defendant, who suffers from malignant hypertension and coronary insufficiency, which in addition to the lack of the adequate medical care endangers even the very right to life and health.

Under all these conditions, even with the fact that he has been deprived of his rights more than any other detainee both in regard to the absence of help from his own state and to the material conditions for the preparation of defence (due to his refusal to recognize the Tribunal, his legal assistants are without fabulous fees provided to all other counsels before the Tribunal), and recently banned from the visits of his other co-workers and associates, Slobodan Milosevic has generously decided to demand only a provisional release to improve the state of his health and adequately prepare the case for the Defendant.

The defence of President Milosevic is significant for a number of reasons.

In the legal, historical and moral sense, it amounts to the defence of the state and the people from the looming catastrophic consequences of the violation of sovereignty and breach of security of the country, as well as from the double loss as concerns war reparations. One should be particularly aware here that the Indictments against Slobodan Milosevic include a distorted survey of the entire 10-year history of our country and people. Estimating that period, Slobodan Milosevic said in The Hague courtroom on 26 September 2002:

"Waged in this territory were not wars, but only one war, the war against Yugoslavia. This war had been instigated and directed by the greatest powers of the modern world, relying on their internal allies, cadres of nationalism and separatism, with a dominant presence of those forces defeated in the Second World War. This war was waged by all possible means, by media, politically, economically, militarily. This war was at first waged through a decade-long media campaign that abused the monopoly over the global communications, then through a foreign policy intervention, aimed at creating independent states out of the Yugoslav republics, and then through the cruellest multi-year economic campaign and sanctions against the FR of Yugoslavia, that could only be qualified as genocide, and finally – through military aggression. Namely, in 1995 against Republika Srpska and in the Operation "Storm", with NATO forces participating in the largest ethnic cleansing ever recorded, and in 1999 – against the Federal Republic of Yugoslavia."

In the political sense, this defence is the factor of preservation of national dignity, after all the troubles that had happened to our peoples and our region. Its content and

scope reflect the existence of support and of willingness to help the defence, coming from all the structures of our society.

As concerns resisting the mechanisms of aggression and pressure that include the Tribunal itself, with the refusal to recognize such a tribunal by the first head of state on trial before an international body and with the major success in defending himself from the indictments that are a fabrication of the joint intelligence services of the US and certain NATO countries, opportunity arose only for President Milosevic of all the people indicted in The Hague to weaken and even to destroy this institution.

For all these reasons, the defence of Slobodan Milosevic amounts to a project of national importance.

5. FUTURE WITHOUT THE HAGUE

Without an organized resistance to The Hague Tribunal, our country and our nation have no future.

The only organization that vigorously and continually develops such an activity within the country is FREEDOM Association.

In a situation when not only the activity of the state in that sense is lacking, but also with attempts within Serbia to discredit and even to prevent through threats and blackmail a serious organizing within the non-governmental sector, the Serbian Diaspora has a great opportunity but also a responsibility to ensure both institutionally and materially a required activity and to allow vast potentials existing within the country to be fully activated in defence of the truth and in putting an end to the unjust pressures on our country.

This activity could take several directions:

Organizing of expert teams consisting of domestic and international jurists, who would help activate all the protective mechanisms of the international law.

Creating an ambitious "truth foundation", whose Council would include the greatest names of our science and creativity, and which would invest in projects of national significance related to the affirmation of the truth, in defence at The Hague and against The Hague.

Supporting the unification into a broad political front of all democratic and creative forces within the country, all patriotic civil initiatives, in order to create a strong alternative to the cloning of The Hague within Serbia, which is carried out by the current regime and to restore democracy, sovereignty and national dignity, so that Serbia could take its deserved place within the European family.

Life-threatening situation of President Milosevic and of the truth should be defeated by serious mobilizations of creative forces and by mass mobilizations of people. Only this way we can restore our freedom, sovereignty, democracy and self-esteem.

AGGRESSORS SHALL NOT WRITE OUR HISTORY!

FREEDOM FOR PRESIDENT MILOSEVIC!

**INTERNATIONAL DEMOS OF SERBIAN DIASPORA AND ALL
PROGRESSIVE PEOPLE**

THE HAGUE, 8 NOVEMBER 2003

14:00 – 15:00 Protest Rally at The Plein (City Center)

15:00 – 16:00 Protest March from The Plein to the Scheveningen Prison

16:00 – 17:00 Protest Rally in front of the Scheveningen Prison

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

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

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: woensdag 5 november 2003 20:14
Onderwerp: Invitation to a Press Conference on the Eve of the Hague
VERY WELCOME WOULD BE ANY EFFORT TO ENCOURAGE JOURNALISTS TO POSITIVELY RESPOND TO THE

Invitation:

Press conference

at Perscentrum Nieuwspoord

(Frits van Poelzaal)

Lange Poten 10

2511 CL Den Haag

on Friday, November 7, 2003, 12:30 hrs

to meet the organisers of two rallies to be held in The Hague the next day, Saturday, November 8, 2003, at the "Plein" at 14:00 hrs. and in front of Scheveningen prison at 16:00 hrs.

Serbian and other Yugoslav people from the diapora and from home together with international activists from West Euopa and North America will call for the immediate release of President Milosevic and an adjournment of the trial against him for at least two years and for the abolition of the ICTY, „as it is a criminal tool against Yugoslavia and Serbian people and an insult to law and justice." A similar demonstration was organized in The Hague on June 28, 2003, gathering people from 16 countries.

WE WILL NOT ALLOW THE NATO AGGRESSORS TO WRITE OUR HISTORY

will be the main slogan of the demonstrators, who will march from the Plein to Scheveningen Prison.

A petition will be handed to the Embassies of France, China, Russia, United Kingdom and the USA recalling the responsibility of the permanent members of the UN security council "to dismiss this malignant and failed attempt to create an ad hoc court, which was done on a purely political basis."

The main speakers at the demonstrations will be representatives from the Serbian Community in several European countries, from the Serbian human rights organisation supporting Slobodan

Milosevic "Sloboda / Freedom Association" and from the International Committee for the Defence of Slobodan Milosevic (ICDSM). They are : MISHA GAVRILOVICH (UK); WIL VAN DER KLIFT (Netherlands), Professor KOSTAS ALYSSANDRAKIS (Member of European Parliament, Greece), KLAUS HARTMANN (Germany); FULVIO GRIMALDI (Italy); DR. LJILJANA VERNER (Germany); JOHN CATALINOTTO (USA); MILUTIN MRKONJIC (Serbia); LOUIS DALMAS (France); VLADIMIR KRSLJANIN (Serbia); IAN JOHNSON (UK); DR SIMA MRAOVIC (France); JOHN JEFFERIES (Ireland); MICHEL COLLON (Belgium);

Please visit our web sites:

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

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

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

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

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

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

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

Serbian/International Organizing Committee

media contact: Klaus von Raussendorff (German Section of ICDSM)

Tel.: +49 228-346850; Email: raussendorff@web.de

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

To join or help this struggle, visit:

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

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

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

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

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

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7 NOV 2003

To the Government of the Kingdom of the Netherlands;
To the Governments of the French Republic, People's Republic of China, Russian Federation,
United Kingdom of Great Britain and Northern Ireland, United States of America
(via their Embassies at The Hague);
To the International Criminal Tribunal for the former Yugoslavia (ICTY)

The people of Serbia and Yugoslavia have been victimized by the criminal and irresponsible actions of foreign powers, primarily the U.S. and other leading NATO governments. These powers provoked the break-up of Yugoslavia and, in alliance with terrorists and neo-fascists, waged the first war of aggression on European soil since 1945, against Yugoslavia. Until now no one responsible from these countries has been held accountable for these crimes.

Instead, Yugoslav President Slobodan Milosevic and almost all political and military leaders of the Serbian people who resisted the destruction of their country have been forced to appear before the International Criminal Tribunal for the former Yugoslavia, established in violation of the UN Charter. Not being a legitimate court of law, the ICTY has also proven to be no court of justice. Directly or indirectly, the ICTY is responsible for the loss of seven human lives. Its unfairness, bias and violation of both universal and European conventions on the protection of human-rights, as well as of generally accepted juridical principles, oblige all the most responsible members of the World Organization to dismiss this malignant and failed attempt to create an ad hoc court, which was done on a purely political basis. The ICTY is not solving, but is deepening problems in the Balkans.

The rules and procedures of the ICTY favor the Prosecution and presume the guilt of the defendants. The trials are being conducted so as to allow the falsification of history, charging the entire Serbian nation for alleged crimes, which is a kind of racism we believed was buried forever in Europe. The Serbs and all other honest people of Europe refuse to allow the aggressors to write history!

A terrifying panorama of distorted and perverse views on the history of the Balkans was presented in the three indictments against President Milosevic, who has been kept in illegal detention for more than two years in spite of the three judgments of the Yugoslav Constitutional Court. Supported by the freedom loving people in his country and abroad, President Milosevic has heroically and successfully defended the truth, in spite of his ill health, the bias of the judges and his isolation from his family, associates and the media.

President Milosevic has been deprived of the basic conditions necessary to prepare his case – time and facilities. To prepare to confront what the tribunal has fabricated or collected in ten years, while spending 700 million dollars from the UN budget alone, and what took two years and millions of pages of disclosure for the Prosecution to present, President Milosevic has been granted only six weeks, and he must remain in his prison cell! At the same time, should this sort of pressure on him continue, his malignant hypertension and damaged heart, exacerbated by the way the trial is conducted, by the harsh prison conditions and the absence of specialized medical care, can cause an infarct or stroke any moment. Only in freedom is it possible to diminish the threat to his life and allow the relative recuperation of his health.

For all the above reasons, we

DEMAND:

1. The immediate release of President Milosevic and an adjournment of the process against him for at least two years;
2. Abolition of the ICTY, as it is a criminal tool against Yugoslavia and Serbian people and an insult to law and justice.

SERBS AND OTHER HONEST CITIZENS OF EUROPE AND NORTH AMERICA
GATHERED IN THE INTERNATIONAL DEMONSTRATIONS AT THE HAGUE
ON 8 NOVEMBER 2003

Sagittarius

Van: "Mick Collins" <cirqueminime@club-internet.fr>
Aan: "John Stepling" <stepling@yahoo.com>; "Yana Collins" <Yana@slosslaw.com>; "Gilles Troude" <gilles.troude@wanadoo.fr>; "Alexis Troude" <claudia.campos@wanadoo.fr>; "Bogdan Manojlovic" <manojlo.717@wanadoo.fr>; "Anton Jarvis" <antonievski@yahoo.com>; "Louis Dalmas" <lodalmas@wanadoo.fr>; "Antoine Colonna" <contact@intelsecu.org>; "Danise Delgado" <DaniseD@fox.com>; "Kathi Montgomery" <brdcoup316@msn.com>; "Bob Locke" <palinbob@yahoo.com>; "John O'Connell" <JohnOC46@aol.com>; "Joseph goodrich" <jgoodrich63@yahoo.com>; "Lou Olker" <chobe@sonic.net>
Verzonden: zondag 9 november 2003 22:50
Onderwerp: Dr Death Takes The Stand

Lord David Owen, aka Dr Death for his anti-Hypocratic support of NATO's wanton murder of Yugoslavs by terror bombing in 1994-95 and 1999, has just finished testifying at The Hague Tribunal as a witness of the court¹ (not to be confused with the Agatha Christie thriller, 'Witness for the Prosecution'), in the war crimes trial¹ of President Slobodan Milosevic. Bearing in mind that the good Lord is a living, raling modern-day representative of a supposedly long-sublated socio-economic system, feudalism, and that his global constituency, as well as his interlocutors, throughout his career in public service has been made up either of class enemies or inbred-to-be-boring cunts like himself, it is interesting to compare his testimony of last week to his memoirs of duty in The Balkans. In his 1995 book, *Balkan Odyssey* (Indigo edition, 1996), D-squared made some calls that shed much light on the events and personalities he seems today so dimly (but always expeditently) to recall.

For instance, the gist of his criticism of President Milosevic seemed to be that the thrice elected (some still content that four is the number of elections won) President of Serbia and Yugoslavia abused his power to control the Bosnia Serbs (in the persons of Radovan Karadzic, president, and General Ratko Mladic, military leader) by not forcing them to comply with the Vance/Owen Peace Plans, and that this in turn led to a prolongation of the wars and the eventual ethnic cleansings and massacres¹ of Croats and Muslims in Bosnia-Herzegovina. Milosevic could have cut off the Bosnian Serbs¹ power and supplies in order to force them to sign on to the VOPP, LO contends, but he didn't for what the Doc seems to imply were reasons of guarding his person political power.

OK. With lots of further equivocations about what a nice guy and what real gent President Milosevic is--while actually trying to run that old passive/aggressive gambit (setting an illegal pick, a moving screen, for NATO to dribble around) to stress that it is he, himself, this throwback to the 12th Century, that is the real gentleman (def., 'Gentleman': the kinda guy gets out of the bathtub to take a piss)--and that he really has no grudge against Milosevic (why he didn't want to be called a 'prosecution witness'): this landed leech on the ass of the British and European publics, in full lipping English politeness goes a long way to laying blame for his own failings (brought about by an almost spectacular ignorance of the historical background and implications of the events he seems to have witnessed, influenced and quite eloquently recorded) at the feet of the Serbs and their war time leaders.

But here's how he was telling it back when it was actually happening:

(page 102--ca January 1993) It was Milosevic who suggested over lunch the face-saving (whose face exactly?--nb) formula of merging the first two constitutional principles of the Co-Chairmen's draft, without any substantive change. In the evening in the Hotel des Bergues the Serb facade of unity cracked and Vance and I witnessed late at night Cosic, Milosevic and the Montenegrin President, Bulatovic, turning on the Bosnian Serb leaders, who included General Mladic, demanding that they negotiate seriously. *Splitting the Serbs was something we had to achieve*, not for its

own sake but because otherwise the Bosnian Serbs would remain totally intransigent, and that became the pattern for the future. First we had to convince Belgrade. Without pressure from Serbia and Montenegro the Bosnian Serbs would never give an inch, *for they were not pragmatists, like Milosevic*, but ideologues, Serb nationalists . . .

(page 103) The inauguration of President Clinton was due on 20 January. A week earlier I had received a reassuring message from Washington that Tony Lake (how very Hollywood-familiar of DD to refer to under-Secretary of State Anthony Lake thus!--nb), who was going to be the new National Security Adviser, had given an explicit commitment that the new administration would support the VOPP and that the Bosnians should be urged to accept. But still we heard in Geneva contrary views from people in Washington who were either going to be in or were close to the Clinton administration. The administration wanted to go ahead with enforcing the no-fly zone (over Rep Srpska--nb) which I had already privately advocated. At that time it was the UN Secretary-General (Boutros Boutros Ghali) who wanted to delay enforcement, which meant that that had to be Vance's position too; and since he and I were determined never to be divided in public I went along with that line to the press. (These are the high principles that directed DD: expediency, equivocation and . . . saving face--nb)

So why did the VOPP flop? Owen would have us believe that Milosevic didn't exert enough pressure on Karadzic to sign on. But we will look at that particular non-signing later on--after Karadzic insisted on taking the plan for a vote of his constituency--another example of how feudalists (and Human Rights-ers--as my friend Diana Johnstone so pertinently points out) like Lord O find Democracy so untidy and inconvenient. In 1993, after Izetbegovic and the Bosnian Muslims (with the encouragement of US ambassador [and war lover] Warren Zimmerman) had copped out on the Lisbon Accords¹ (aka the Cutilheiro Plan, signed by Bobic [Croats], Karadzic [Serbs] and Izetbegovic [Muslims] in Portugal, 18 March 1992, in the hope of averting war), the VOPP deal was scotched something like this:

(page 110--still ca January 1993) The third plenary session of the Conference had made surprising progress after the initial anger over the Croatian government's military action had abated. (nb--Abated¹ for whom? Some Muslims, Serbs, and Canadians [who made up a large part of the UN forces in Western Bosnia] are still pissed about the Croatian Army's massacres in Stupni Do and the Medak pocket. But as Owen points out later [pg 243], Croatia took a page out of Israel's play book: ³When Zagreb came under pressure domestically they usually launched a diplomatic initiative or a military action, sometimes both.²) We brought Izetbegovic and Karadzic together, . . . [but] we were not certain as to whether President Izetbegovic or Dr Karadzic would sign up on Saturday. Each was eyeing the other to see who might move first. Neither wanted to be seen to be the first to break up the Conference or to refuse to sign. We intended reporting back after Saturday's meeting to the Security Council to seek endorsement of our comprehensive settlement plan. But we wanted maximum pressure to be applied on anyone who did not sign.

Next day in Geneva, after more than a dozen lengthy

bilateral and trilateral meetings, at the final plenary session Cy Vance said these had reinforced our view that the map submitted by us was just and equitable, based on the fundamental premise that Bosnia-Herzegovina would remain a sovereign, independent, multi-ethnic state. (Which, of course was against the policy plans of both the Croats and the Muslims--throughout the wars and today Serbia was and remains the only truly multi-ethnic, multi-confessional and multi-cultural Republic of the old Yugoslavia--nb) The map did not accept the results of ethnic cleansing but was on the contrary designed to reverse them, and it struck a fair balance in the allocation of land, natural and industrial resources. In my speech I said that we were taking the dispute in effect to the world's parliament and we hoped they would all come to New York and put their case to the members of the Security Council. All three parties signed the constitutional principles; the Bosnian Croats and, somewhat to our surprise, the Bosnian Serbs signed the agreement on the cessation of hostilities. Izetbegovic, having previously agreed, now said his reservations on heavy weapons precluded him from signing. On the map Karadzic got far closer to signing than we had anticipated, and I am convinced he would have signed if Izetbegovic had signed.

Washington professed to be surprised when we announced we were going to New York. The intention of moving the actual peace talks was particularly controversial for the US administration because it meant admitting to America some of the Bosnian Serb leaders, like Karadzic, whom Eagleburger had named as possible war criminals. Also, they had intended to distance themselves from the ICFY (International Conference on the Former Yugoslavia--nb) when, during Warren Christopher's confirmation hearings, he had made it clear that he would not rely solely on the negotiators in Geneva and instead would keep an independent position. The problem we had was to get the new US decision-makers to read our plan and absorb its detail, particularly the fact that the Mixed Military Working Group had met frequently and reached agreement among all the warring military commanders. For the first time in the former Yugoslavia we had a detailed plan for a cessation of hostilities.

So who screwed the pooch? Why did the war go on for another two and half years? Owen at The Hague would have us believe it was because of Slobodan Milosevic's abuse of power in not influencing the Bosnian Serbs enough. But Double D's BO tells another story:

(page 111-cont) Both Vance and I thought Karadzic had been told by Milosevic to settle. Evidence to support this was visible in Karadzic's presenting the talks as 'Ea great success' and briefing positively about going to New York. Karadzic said he could agree to most of the map but wanted areas under dispute to be put to a plebiscite (nb--again the evil Serbs resort to Democracy!) which we had earlier ruled out (nb--but the noble feudalists save the day!). Many of those close to the Conference, diplomats and journalists alike, felt like us that if Izetbegovic had agreed to sign the map that day Karadzic would have done so too. We were certainly closer

to an agreement than any of us could have imagined a week earlier. Why did Izetbegovic not sign? (nb--you could ask him but he became conveniently dead of heart-lock on the day Mother Teresa, the Albanian dwarf, was beatified.) In essence because he sensed that Karadzic might sign it if he did and he felt encouraged by US attitudes to hold out for a better deal.

So, to whose advantage was it to continue the bloodshed? Whose game plan was based on a prolongation and intensification of murder and mayhem, eventuating in the badly staged (though gloriously reviewed by the Western media) Grand Guignol of the Sarajevo bread lines, Markale marketplace, and Srebrenica massacres, which triggered the 1994-95 NATO bombings of the Bosnian Serbs and led directly to the 78-day NATO terror bombing of Serbia/Yugoslavia (including Montenegro--and even Hungary!) over Kosovo in 1999? Well, those chinless teabags who wiggle around puppet-like in that NATO side-show at The Hague would have you believe it was all about Milosevic's dream of a Greater Serbia.

But here's another description of how the war actually went--a description that seems to seep right through the cracks in our Lord's wilful notion that everything resulted from Serb aggression:

(pages 111-112--from a telegram sent from Owen to Robin Renwick in Washington describing the Lord's frustrations with the Clinton people--including the Bosnian Muslims)

We have this Administration briefing the press in a way that could not but stiffen those Muslims who want to continue the war. We have Sacirbey (Bosnian UN rep then foreign minister) openly telling everyone that the US Administration has said that they should not feel any need to sign the map. We know that Tudjman (Croat president) had formal representations from the US against the Croats putting any pressure on the Muslims to sign up for our package?

And another:

(page 116--from a NY Times story by R.W. Apple, Jr, titled 'Mediator is Upset at US Reluctance over Bosnia Talks --Says Muslims Await Move--' Only Act in Town' Owen Says After He and Vance Fail to Persuade Christopher')

Against all the odds, even against my own expectations, we have more or less got a settlement but we have a problem. We can't get the Muslims on board. And that's largely the fault of the Americans, because the Muslims won't budge while they think Washington may come into it on their side any day now. What do they want down there, a war that goes on and on? (nb--you bet that's what they want: Look at what followed: bombing the Bosnian Serbs, bombing Kosovo, 9/11, bombing Afghanistan, bombing Iraq, support of Israel's liquidation of Palestine and the Chechnian jihadists destruction of the Caucasus) This isn't just the best act in town, it's the only act in town. It's the best settlement you can get, and it's a bitter irony to see the Clinton people block it.

Where's Milosevic's hand in all this? Or is this yet another real Owenian (or Orwellian) war story:

(cont pg 112) The telegram also referred to the most flagrant and best-documented episode of Muslim army units provoking the Serbs to fire on their fellow Muslims. An UNMO (United Nations Military Observer) team near Kosevo hospital in Sarajevo had witnessed a Bosnian government mortar crew set up in the grounds of the hospital and fire over the hospital into a Serb area. They had quickly packed up and gone, only for the UNMOs to see a television crew arrive and then record the retaliatory Serb shelling of the hospital. It was the very hospital that I had visited the month before and which had so shocked me with its shell holes in the recovery room. I asked General Morillon (French Commander of UNPROFOR in Bosnia, 1993) why the UN had not gone public on the issue; he wanted the truth out but said 'We've got to live here.'¹ It was uncomfortable for the UN in Sarajevo, but if they had been bolder on the few (sic) agent provocateur incidents they could have been more forthright on the many (nb--though none is cited) Serb outrages and avoided appearing to equate (?) the two sides. The Selous Scouts of the Rhodesian government used to incriminate ZANU and ZAPU forces in the 1970s, so I was aware that this type of action tended to occur in civil wars. But I found this particular Muslim provocation, involving the very hospital about the shelling of which I had personally protested strongly to General Mladic a few weeks before, especially troubling. Even at that time there was a feeling among some in UNPROFOR that albeit only a small element (huh?) in the continuous sniping in the central part of Muslim-held Sarajevo, was being undertaken by Muslim units firing on their own people. Those suspicions were never confirmed until August 1995 (nb--you gotta love that fairy tale construction: never . . . until--it almost makes you cry [or laugh] to see how hard the Lord works to maintain his feeble vision of the demon Serbs] when a French UN team pinpointed some of the sniping to a building which they knew was controlled by the Bosnian government forces.

Again, Milosevic (even Karadzic and Mladic) don't factor into this Lordly war saga. Now, bearing in mind that LO is pretty much constantly preoccupied with fantasies of his being Sir Lancelot of Boyles, and irremediably infected with the Trotskyite virus of left wing anti-communism that causes its hosts to see all Socialists and Communists who hold state power as blackguards and monsters, here's a brief glimpse of how Owen described Milosevic:

(page 136-137) Milosevic was not a European social democrat in December 1989 and he made no bones about why: 'I really see no reason why any society, if it is not thoroughly tyrannical, should prevent a diversity of political views and organizations . . . However, if this so called political pluralism is used as another term to supplant Yugoslavia and socialism then we in Serbia are against it.'¹ He showed his ruthless side when he manipulated federal authorization for JNA tanks to be used on 9 March 1991 nominally to crush street demonstrations in Belgrade but in reality in a failed attempt to have martial law declared. (nb--Say what? This tyrant, this dictator can't even get martial law declared? Damn! Miss Rigsby, send in the next auditioner!) He never hesitates to ensure, when he wants

to, that his view monopolizes the media (nb--unlike every other politician). On the other hand, he has been content to forgo the non-stop personal publicity that usually accompanies autocratic power. It is a clever way of exercising control (nb--I'll say! And none dare call it Democracy). His appeal to many people in Serbia initially was not rooted solely in ethnic nationalism: in 1991 he was also popular because he stood against the absurd bureaucracy of Tito's time. Milosevic's leadership was seen to be competent and not corrupt. He chaired a group of experts, the Commission for Questions of Social Reform¹, which proposed market-oriented reforms and the stimulation and streamlining of the self-management system; but its recommendation was not the elimination of state functions, rather changes in their mentality and style¹. The goal was a mixed economy with social ownership and public production, not the continental social market model. Nevertheless it was sufficiently different and coherent in comparison to Tito's failed economic model that it attracted support from the younger technocrats. When faced by criticism Milosevic can bridle and quickly deride alternative viewpoints, but he can also be changing his attitude as he talks. For someone who built a reputation campaigning against bureaucracy he has created an immense one, not of pens behind desks but in the large and well-armed militia which now rules over Serbia. It is strong enough to keep opposition political parties in their place, strong enough to act as a counter force to a greatly depleted army and well placed to destroy the mafia that now flourishes on the corruption that surrounds sanctions.

One aspect of Milosevic's character is his readiness to regard individuals as disposable: to use them and then discard them. (nb--here Owen sounds like a jilted lover) Just as he had risen within the Communist Party on the back of his friendship with Ivan Stambolic and then brushed him aside (nb--actually Stambolic was the unimaginative party hack Milosevic displaced in the League of Communists, then gave a cushy, ceremonial Natl bank position, only to have his eventual murder pinned back on his administration by the DOS [the only real beneficiary of the crime]), so he still brooks no opposition. Perhaps when the wars in Croatia and Bosnia-Herzegovina are over Milosevic will allow some relaxation of police powers, some genuine dissent, even move toward social democracy. But history is against such a benign transformation. If he is to avoid a malign fate, he needs to remember, and recite to himself each day when shaving, Lord Acton's famous dictum: 'Power tends to corrupt, and absolute power corrupts absolutely.'¹ (nb--and for Lordy O I'd prescribe a couple hits of Alexander Pope: 'A little learning [esp about Yugoslavia] is a dangerous thing; drink deep, or taste not the Pierian spring: there shallow draughts intoxicate the brain, and drinking largely sobers us again.'¹--I love that last part: Drinking a little gets you drunk; but drinking a lot sobers you up!)

Owen must have felt that he came up a little short in his condemnation of Milosevic, so he goes on to talk about Kosovo:

(page 137 cont) On almost every occasion that we met I would at some stage raise Kosovo, and when I did I knew I

was striking a jarring note. Over Kosovo the polite mask sometimes broke and we would be into an ugly confrontation. It was as if he knew this was the area of his most indefensible behaviour on which he was personally vulnerable, and he would sometimes turn snarling on me or anyone who raised it. I suspect none of those close to him ever did confront him. Yet once we had confronted each other he would soon return to a courteous dialogue, almost as if he welcomed someone standing up to him. It was on Kosovo that Milosevic had risen to power and in the process had spoken for almost all Serbs (nb--Oh, so it wasn't personal after all.), who genuinely believed Tito had sacrificed their interests for the sake of keeping the Albanians quiet. It was in part over Kosovo that Milosevic broke up the Carrington plan for autonomy because it mirrored that for the Krajina; yet Milosevic will know that Kosovo could be his undoing after the fall for the Krajina in 1995. I have often likened him to someone who has jumped on to the tiger of nationalism and is finding it difficult to get off again without the tiger eating him. In Paris he saw an opportunity for getting off at least that portion of the tiger's anatomy marked Bosnia-Herzegovina, and in fairness he stayed true to that strand of policy from then onwards.

With the Bosnia and Croatia cases going so badly for Geof Nice and company at The Hague, you really have to wonder at their witness selection in bringing LO to the stand. Sure, his anti-communist and pro-bloodletting credentials were as strong as any peace negotiator the war powers had. But if The Tribunal had bothered to read his book they would have disqualified him in a heartbeat--or in a couple weeks' worth of heartbeats, which is what it took me to read his book. Because like all under-informed critics of Yugoslavia, once he gets past his categoricals (i.e., Communism bad, Democracy good; National sovereignty [for them]=Nationalism bad, Self-determination=social fragmentation good, Milosevic [ears stick out under a funny haircut--actually, this is the opener for the NYRB's favorite Balkan hand, Misha Glenny's critique of Milosevic] bad, Izetbegovic and Rugova [foulard-wearing, beardless and Every intellectual and lovey' Muslims] good) and down to real incidents, he has no support for his Serbian-aggression-and-atrocities-drive-the-war model. Another example:

(page 213) Once again there was a legitimate difference between Muslim and Serb interests. The Muslims could not accept the present confrontation line: therefore it was in their interest to destabilize it by provoking incidents and planning breaches. The Serb interest, by contrast, was in maintaining the status quo. At that time the prevailing view of the UN military commanders as expressed to Stoltenberg (nb--ICFY Co-Chairman 1993) and me was that UNPROFOR's worst problems were with the Muslims, that the Muslims were responsible for most of the ceasefire violations and that they represented the main threat to the (safe areas' *because they conducted military operations under UN cover*. But the Muslims were bound to provoke (nb--Oh yeah? Why? Bound by what or whom? The US?), at least in so far as they could without causing UNHCR (nb--United Nations High Commissioner for Refugees) to abandon the humanitarian effort. This UN view appeared to some journalists to be indicative of an anti-Muslim bias, while in fact it was the military mind seeking order in the midst of chaos. It was important for us as negotiators not to reflect UNPROFOR's frustrations, *even though Muslim military activity undoubtedly did have adverse impact*

on our negotiations, as did the activities of Croatian government forces in Croatia. I was very conscious of the Muslims' problem and tried to see the issue from their viewpoint, but I also continued to think that an early peace was in the interests of the Bosnian Muslims. Delay had already forced partition on to the negotiating agenda, and as ethnic cleansing took root with the passage of time its reversal became ever harder to imagine.

The main flaw to the concept of 'safe areas' from the perspective of the *UN military was that the UN Security Council were allowing the Muslims to evade any demilitarization provision.* (nb--And the Muslims had more men under arms than the Bosnian Serbs.) This made the whole concept unsafe. The Serbs appeared not to want to physically take any of the so-called safe areas, even though they could have done so; urban fighting is very costly in terms of devastation and loss of life, as the Serbs had discovered when taking Vukovar from its Croatian defenders in 1991. We were trying to persuade the Bosnian Serbs to accept a predominantly Muslim republic with a contiguous area in East Bosnia covering the three safe areas, Srebrenica, Zepa and Gorazde. We believed that Mladic might be brought to accept that, but the difficulty was in linking Gorazde geographically to the Muslims in Sarajevo without cutting Serbs in East Herzegovina off from Serbs in Pale and Sarajevo.

So what about the basic allegation that Milosevic didn't do enough to influence the Bosnian Serbs to accept the VOPP? Here's the anecdote that contains the key to unlocking the bonds that held Lord O to his anti-Yugoslav-Communist position, a position that discolored his whole Balkan Odyssey and made him such an ardent cheerleader for NATO's murderous bombing in support of Croatian and Bosnian Muslim interests.

(pages 152-154--April 1993) Milosevic, who had mastered all the detail in the documents, then said that with these changes he would recommend Karadzic to accept the VOPP, and summoned Karadzic and Krajisnik to the meeting. They both had to delay their departure by road to Bijeljina, where the Assembly was due to meet. I again explained our position in painstaking detail, for they had not anywhere near the same knowledge of our actual proposals as Milosevic. Eventually they left us, now seemingly ready to accept the VOPP, a decision both Cosic (nb--President of Yugoslavia) and Bulatovic (nb--President of Montenegro) had been strongly urging them to take. Over a late lunch Milosevic was in an expansive mood and said, stretching his arms above his head, that he felt comfortable with the decision. He knew there would be a lot of criticism, but the plan was fair and it was time for peace. He showed no signs of being in any doubt as to the outcome in the Bosnian Serb Assembly. I agreed to stay overnight in Belgrade so that in the event of acceptance we could put the formal documents to the UN early that morning, certifying agreement to the VOPP and therefore stopping the introduction of financial sanctions.

The relief that we had seemingly broken through

Commission, than through a continuation of confrontation and bloodshed¹: the citizens of Yugoslavia, Serbia and Montenegro had shown the highest degree of solidarity with the Bosnian Serbs, perhaps even more than their resources allowed; they would continue to do so regardless of all pressures, but the Bosnian Serbs had no right¹ to inflict international sanctions on 10 million citizens of Yugoslavia¹ because of the remaining areas of dispute, which were much less significant than the results already achieved in negotiations. The Bosnian Serbs should take account of these factors, and accept the plan¹; this was a question of war and peace, and Yugoslavia chose peace. It was an honourable peace¹ which guaranteed the Bosnian Serbs equality and freedom¹. Then, shortly before 6.00 a.m. local time, the Bosnian Serb Assembly decided unanimously that it was unable to take a final decision on the VOPP, and that the question would be put to the people in a referendum. This was interpreted in the domestic and international press as a rejection of the VOPP, though no text issued from Bijeljina stated this in as many words. Karadzic said only that there had been no final decision and that this would have to be taken in a referendum in about three weeks¹ time, around 15-16 May. The Assembly had earlier issued a declaration calling on all Serbs to respond to the call to join the struggle for the salvation of Serbs, to defend their land and character¹ and to stand unbendingly in the defence of our homeland, join ranks and carry the struggle through to its end¹.

In conversation at the airport that morning before I flew to Geneva, Stojanovic, Cosic's adviser, said he assessed the mood in Serbia, following the weekend's discussions and the vote, as finely balanced between a strong wish to see sanctions lifted and normality return, and a characteristic Serbian fatalism coupled with a sense that Serbs still needed to stand together, despite their different interests. He added that he considered that Milosevic had taken a bold step¹ in urging acceptance of the VOPP in its latest form, given that this would bring him into confrontation with nationalist extremists such as Seselj in Serbia as well as with the Bosnian Serbs.

So this all went down in 1993--10 years ago. And looking back from the vantage point of the witness box at The Hague Tribunal, it seems ever-more clear that what President Milosevic was guilty of--his cardinal sin--was trusting the neofeudalists of The West, in the person of his Lordship, Dr David Owen, among many, to negotiate the fate of Yugoslavia/Serbia in good faith. He took the hard charge¹, but they called him for blocking¹. And today these same forces are trying to impute their own murderous scheming for command and control of strategic territories and resources to the very people they are ripping off and brutally murdering. Slobodan Milosevic's overriding concern throughout these ten years (and before) has been to save Serbia and Yugoslavia from occupation by the globo-fascist business culture and bloody war in all its forms: economic sanctions, military invasion and aerial bombardment, and reparations courts in the guise of war crimes

left us all a little light-headed and, as it turned out, over-confident. I had no doubt then, and have never doubted since, that it was the prospect of financial sanctions which Milosevic most feared: the chance of avoiding any further economic misery was too attractive domestically for him to go on humouring Karadzic as he obstructed virtually any deal. As far as Milosevic was concerned, the Bosnian Serbs had protected all their vital interests and in that sense had won. That it was not Greater Serbia in terms of one country stretching from Belgrade to Banja Luka to Knin had not been vital for him since our meetings in Geneva in January. I do not believe he was particularly concerned by the talk of US military action, which continued to be rather unfocused, though it made the useful point that NATO's patience was running out; but so, fortunately, was Milosevic's with the Bosnian Serbs.

From this point, 25 April 1993, onwards Milosevic formally gave up Greater Serbia and argued for a settlement on terms a majority in the Security Council could have accepted, and throughout the next two years he did not waver in seeking such a solution. The interests of Serbia and Montenegro from then on were the decisive factor, and he grew more and more disillusioned with Karadzic's lack of courage as a true Serbian leader in the process. In this respect sanctions had worked. Unfortunately, in the US the demonization of Milosevic had reached such a level that administration, Congress and media alike seemed unable to adjust to this new reality and kept talking about Milosevic being committed to a Greater Serbia.

Apparently late that evening Milosevic was alerted that all was not going well in the Bosnian Serb Assembly discussion in Bijeljina. A somewhat peremptory letter from the three Presidents Cosic, Milosevic and Bulatovic was drafted sometime after midnight when it became clear that the mood of the assembly was moving against signature of the VOPP. Jovanovic (Yugoslav foreign minister) was dispatched by helicopter to Bijeljina at around 1.30 a.m. to deliver the message to the Assembly, which he did in a closed session starting at 4.30 a.m. The text of the letter was read in full on radio news bulletins from 2.00 a.m. onwards and was published in special late editions of the morning's paper in Belgrade on 26 April.

In their letter the three Presidents urged the Assembly to accept the VOPP, as developed and amended in talks over the weekend with our team. The letter criticized 'irresponsible statements' by certain participants in the Bosnian Serb Parliament: this was 'not the moment for each of us to try to be more patriotic than the other', but for a 'well-considered, far-sighted and courageous decision'. It detailed where talks in the last few days with us in ICFY had secured a number of commitments.

The letter claimed that charges to the map could be achieved more successfully through political negotiation and consensus, within the framework of the ICFY, the provisional Presidency and the Border

tribunals. Happily, it is still too early to tell if his efforts have ultimately failed. With Historical Truth on his side, giving him an almost religious serenity in his courtroom demeanor, the only thing that keeps Milosevic's craven enemies in the game at The Hague is their colossal ability to suborn perjury and their subhuman ruthlessness in the exercise of their overwhelming, brutish material might.

Mick Collins

Cirque Minime/Paris

International Committee for the Defense of Slobodan Milosevic (France)

9 Novembre 2003

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Sagittarius

24-11-2003

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Signed by:
Onderwerp: CDSM: World Peace Council
The original url for this article is: www.sloboda.org.yu/engleski/WPC.htm

Recognizing SLOBODA/Freedom Association as the only organization in Serbia struggling effectively for peace, sovereignty and equality, the Executive Committee of the World Peace Council in the Meeting held in Athens on 16/17 November 2003 decided to admit SLOBODA into full membership of the World Peace Council, one of the oldest and most distinguished non-governmental organizations in the UN system.

During the same Meeting, leaders of the World Peace Council and of the the national organizations signed the following

datum

P E T I T I O N

The illegal trial of Yugoslav President Slobodan Milosevic by the illegal NATO puppet tribunal at The Hague is a tool of warfare against the freedom and stability, mockery of universal judicial and human rights protection principles and an attempted murder

After the popular resistance prevented in 1999 military occupation of Yugoslavia, the aggression against that country continues by other means. Blackmail, bribery and subversion were the tools of the "regime change" in Belgrade in 2000. The crimes committed in the NATO aggression against Yugoslavia are now to obtain a *posteriori* justification by the kidnapping and inhuman political trial of the democratically elected President of the Federal Republic of Yugoslavia Slobodan Milosevic.

Approaching its end, the two years lasting presentation of the charges by the prosecution, in spite of numerous manipulations, fabrications and false witnesses, brought no evidence whatsoever. On the contrary, already in the cross-examination of the prosecution witnesses, President Milosevic succeeded to say much about the people's struggle for sovereignty and equality and to present grave charges against the imperialist aggression and colonization of the Balkans, spreading now to many parts of the World.

Unable to defeat President Milosevic in the courtroom, the modern-time inquisitors attempt to silence him. By the lack of medical care and by the inhuman prison and trial conditions, requiring over-human efforts or making impossible defense preparations, President Slobodan Milosevic (62), with malignant hypertension and damaged heart is in the constant threat of infarct or stroke.

Therefore:

We demand immediate release of President Milosevic.

We call upon all UN members and all concerned UN bodies to review the evidence of unjust, unfair and political character of the International Criminal Tribunal for the former Yugoslavia at The Hague and its grave violations of human rights, discrediting the World Organization and to act towards its abolishment.

We express our solidarity with the people and progressive forces in Serbia and Montenegro in their strive to regain freedom, sovereignty and democracy.

Athens, 17 November 2003

Signed by:

Romesh Chandra, President of Honor of the World Peace Council

Athanasios Pafilis, General Secretary of the Greek Committee for International Detente and Peace,
Executive Secretary of the World Peace Council

Nikos Fotiadis, Vice-President of the Greek Committee for International Detente and Peace

Orlando Fundora, President of the Cuban Movement for Peace, Vice-President of the World Peace Council
clatum

Arturo Espinosa, Vice-President of the Cuban Movement for Peace

Manuel Yepe, Secretary of the Cuban Movement for Peace

Abdelrahman Merie, General Secretary of the Palestinian Council for Justice and Peace, member of the
Secretariat of the World Peace Council

Pham Van-Chuong, Vietnam Peace and Development Foundation

Ta Quoc Tuan, Vietnam Peace and Development Foundation

Pallab Sengupta, All India Peace and Solidarity Organization

Baerbel Schindler-Saefkov, German Peace Council

Manuel Terrazas, President of the Mexican Peace Council

Rina Bertaccini, Movement for Peace, Friendship and Solidarity among Peoples (Argentina)

Stephanos Stephanou, Cyprus Peace Council

Kim Il Bong, Korean National Peace Council

Nela Martinez, Peace and Independence (Ecuador)

Gilberto Calvo, Costa Rican National Peace Council

D. Okombi, African Commission of the World Peace Council

Juan Pablo Acosta, Dominican Union of Journalists for Peace

Emin Cetin, Peace Association (Turkey)

Pol De Vos, President of the Anti-Imperialist League (Belgium)

Vladimir Krsljanin, Freedom Association, Serbia

DRC 2003

door Yvonne Donders

een grote invloed op de internationale gemeenschap middels het oplossen van geschillen tussen staten. Dat deze rol algemeen erkend wordt, blijkt uit het grote aantal zaken dat voor het Hof wordt gebracht. Sinds oktober 2002 is het Hof zeer druk geweest en op dit moment staan nog 23 zaken op de rol. De onderwerpen van de zaken is zeer divers. Zij variëren van territoriale geschillen tussen staten, klachten over de behandeling van onderdanen van een staat in een andere staat, tot vragen die zijn opgeworpen in de Veiligheidsraad en de Algemene Vergadering. President Shi stelde dat het Hof in de periode Augustus 2002-2003 een aantal beslissingen heeft genomen over zaken zelf, evenals over voorlopige maatregelen. In oktober 2002 nam het Hof een beslissing in de zaak tussen Kameeroen en Nigeria over landgrenzen en maritieme grenzen, waarmee een eind werd gemaakt aan een langlopend conflict. In december 2002 besliste het Hof in een zaak tussen Indonesië en Maleisië dat de soevereiniteit over de eilanden Ligitan en Sipadan aan Maleisië toebehoort. In een andere uitspraak verwierp het Hof het verzoek van Servië en Montenegro tot herziening van een eerdere uitspraak van het Hof inzake de toepassing van de Genocide Conventie in de zaak van Bosnië-Herzegovina tegen Servië en Montenegro. In februari 2003 stelde het Hof voorlopige maatregelen in de zaak tussen Mexico en de Verenigde Staten betreffende mogelijke schendingen van het Weens Verdrag inzake Consulaire Relaties voor 51 Mexicanen die in verschillende staten van de VS ter dood waren veroordeeld. In juni 2003 verwierp het Hof het verzoek van Congo om voorlopige maatregelen inzake strafprocedures in Frankrijk. President Shi benadrukte dat deze

Milosevic wil bovenaan kieslijst van socialisten

BELGRADO - Vanuit zijn cel in Den Haag heeft de oud-president van Servië, Slobodan Milosevic, de Socialistische Partij in zijn land gevraagd hem bovenaan de kieslijst te zetten voor de parlementsverkiezingen van 28 december. Eerder dit jaar benoemde de Socialistische Partij de ex-president tot erevoorzitter, al besloot de partij tevens dat hij en zijn getrouwen in de toekomst niet meer als politiek leiders zouden mogen optreden. (AP)

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President van het Internationaal Gerechtshof onderstreept de rol van het Hof als "bewaker van het internationaal recht"

In oktober heeft de President van het Internationaal Gerechtshof, Shi Jiuyong, tijdens de presentatie van het jaarrapport van het Internationaal Gerechtshof voor de lidstaten van de VN onderstreept dat het Hof de bewaker moet zijn van het internationaal recht en de internationale juridische orde. Hoewel het Hof haar werk doet in de relatieve kalmte van Den Haag, ver weg van de drukte in New York, levert zij een belangrijke bijdrage aan de algemene doelstellingen van de VN. Het Hof heeft

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 3 december 2003 17:41
Onderwerp: NAZI- AND NATO-"JUSTICE" by Klaus

Nazi- and NATO-„Justice“: how the images resemble

Speech by Klaus Hartmann, Vice-Chairman of ICDSM,

on November 8, 2003 on the Plein in Den Haag (English translation)

Read this and other speeches from the Hague International Demonstrations of 8 November 2003 at:
<http://www.sloboda.org.yu/engleski/demonstration.htm> or at www.icdsm.org

Friends and Citizens!

We are demonstrating here today for the second time this year demanding the dissolution of the Hague "Tribunal" on Yugoslavia. We are demonstrating for the immediate release of Slobodan Milosevic. We are demonstrating for the release of all political prisoners of NATO! We are not demanding that criminals be released. On the contrary, we are demanding the conviction and imprisonment of war criminals, the war criminals who destroyed Yugoslavia:

- The leaders of the NATO-states belong behind bars!
- The release and reparations for their victims!

We are not protesting against the fact that the government of the Netherlands and The Hague are accommodating international courts of the United Nations. To host the International Court of Justice and the International Criminal Court honors this city and this country. But the good reputation is damaged through this so-called ad-hoc-Tribunal on Yugoslavia. This is not an institution of law, but an instrument of political blackmail. It serves the United States and other NATO states as an instrument for their continued aggression against the peoples of the Balkans. With the so-called "tribunal" this city is left holding the illegitimate baby of Madeleine Albright, who is called "the mother of the tribunal".

This so-called „tribunal" is illegal: it was founded by an unauthorized body on a non-existing legal basis. It is illegally financed and it is the symbol of a permanent breach of international law. This is illegality from one end to the other; it is an illegality that cannot be redeemed. And it will lead nowhere. This is why we demand:

- The immediate dissolution of this „tribunal"
- The annulment of all its so called sentences
- The release of and compensation for those illegally imprisoned

Our protest is taking place at a time, when all over the world antifascists are commemorating the Day of Remembrance and Admonition.

The night of November 9 is such an occasion, because in 1938, 65 years ago, the racist, anti-Jewish campaign that had been in process over the years became an orgy of violence in the nationwide pogrom known by the Nazis as the "Reichskristallnacht". The Nazis held their Jewish victims responsible, demanding that they pay for the violence and destruction! This is similar to the recent developments in the Balkans.

The fascists coined the image of „Slavic sub humans" and the western media did not hesitate to draw on this image in their anti-Serb-hate-campaigns in the early 1990s. This campaign was racist and escalated into a violent orgy: the NATO-aggression against Yugoslavia in 1999.

The history books of the aggressors propagate the image of Serbs being the aggressors, for example against the Croats. Long before international attention was drawn to the war already in progress, the Croat separatists had imitated a "Kristallnacht". During the Dalmatian Kristallnacht on Mai 2, 1991, Croats, while chanting their WW II fascist Ustacha-songs and waving their checkerboard flags with the Croatian swastikas, hunted down and slaughtered Serbs. Who knows about this Kristallnacht here in the West, with its brainwashing mass media? Of course, this crime plays no role in DelPonte's circus.

From September to December 1933, exactly 70 years ago, the so called Reichstag Fire trial was taking place in Leipzig with Georgi Dimitrov and his Comrades Blagoj Popov and Vassil Tanev as the defendants. The German fascists attempted to use this farce in the Leipzig Reich's Court to criminalize all their opponents, to win legitimacy for and consolidate their dictatorship. The German fascists themselves had set the Reichstag on fire in order to accuse the communists of arson. How the images resemble! NATO broke up Yugoslavia, but accuses those who defended it, of destruction.

How the images resemble: in Leipzig the arsonists presumed to set in judgment over the victims of fascist terror. In The Hague, the NATO-aggressors presume to set in judgment over the victims of their aggression.

How the images resemble: in Leipzig the German Reich's Court tried to refuse Georgi Dimitrov the right to speak, allowing him to only answer questions. In The Hague, Judge May attempts to declare the embarrassing questions posed by Slobodan Milosevic "irrelevant," at times even cutting off his microphone.

How the images resemble: the fascists tried to completely isolate Georgi Dimitrov in prison, to cut him off from all contacts with the outside, especially contacts with his comrades. The Hague "tribunal" is trying not only to refuse Slobodan Milosevic visits from his family but also from his comrades.

How the images resemble: the Nazis had planned the trial in Leipzig as an exemplary show trial to promote their dictatorship. They installed a special post office adjacent to the courthouse; the trial was transmitted live from the courtroom.... But, just as in The Hague, this functioned only at the beginning of the trial.

How the images resemble: 70 years ago today, on November 8, 1933, the Nazi Minister of Propaganda, Joseph Goebbels, took the stand in the "trial" against Georgi Dimitrov. He suffered a total defeat. The chiefs of propaganda, Rudolf Scharping, Tony Blair, Madeleine Albright and Jamie Shea are afraid, still today, to take the witness stand against Slobodan Milosevic. The third rank – Holbrooke, Petritch, Ashdown and Mesic are allowed to portray miniature Goebbels - also without success.

How the images resemble: In Leipzig the Nazis called on police spies, criminals and agents to witness against Georgi Dimitrov. In The Hague, UCK-terrorists, CIA-agent William Walker and NATO-General Naumann took the stand.

How the images resemble: The German fascists brought antifascists, incarcerated in prisons and

concentration camps, before the court in Leipzig – promising them liberty, if they gave false testimony against Georgi Dimitrov. The same pattern in The Hague: by offering "deals", the court is pushing other defendants to give false testimony. The court's collaborators in Belgrade promised not only to release Rade Markovic, but to also furnish him with a new identity and wealth. But because of Rade Markovic' steadfastness, he was immediately returned to prison in Belgrade.

How the images resemble: The Leipzig court was surprised and horrified, when Georgi Dimitrov succeeded in politicizing the trial. Today Del Ponte, Nice and May and their subservient media are terrified that Slobodan Milosevic contradicts the falsified and racist media manipulation with historical facts in their proper contexts.

How the images resemble: Georgi Dimitrov thwarted the fascists' plans for an anti-communist show trial by turning the trial into an indictment of fascism. Slobodan Milosevic is thwarting the plans of his NATO accusers by putting them in the dock and even the tribunal's sympathizing media is dumbfounded and has had to admit this.

How the images resemble: Georgi Dimitrov exposed that the arson in the Reichstag and the trial were two parts of the same fascist provocation, and sarcastically referred to those behind the scenes doing stage management of both the arson and the indictment as the "Holy Ghost". Today Slobodan Milosevic is showing, that the aggressors and indicters come from the same stable and that this tribunal is part of NATO's arsenal for enslaving peoples.

How the images resemble: In the early 90s, the United States and their accomplices put the "New World Order" on their agenda. Who remembers, who knows that 60 years earlier there was talk of the Nuovo Ordine Europeo, - The "New Order of Europe" was on the agenda of the fascist axis powers!

Many images are similar, but some differ: in 1933, the fascists made no secret of their objectives: they wanted to finish off with communism and install their limitless dictatorship. Today the aggressors complain of violations of human rights and war crimes, to cover up their crusades of subjugation. Hypocrisy is triumphant. They rarely let the cat out of the bag:

The coup against Milosevic in October 2000, though originally colporteured in NATO capitals as a victory over "Serbian nationalism", it very soon became billed as the victory over the "last communist state in Europe".

When Alija Izetbegovic was buried a few weeks ago, those holding obituary speeches at the graveside regretted that he had not been able to accomplish "the most important goal in his life": "the political supremacy of the Muslims in Bosnia"! Not a word about the multi-cultural idyll, he was rumored to have promoted during the war.

Imagine, a corner of the truth is exposed – and even though it exposes the lie of a so-called "Serb aggression" – it goes practically unnoticed!

How will the show in the Del Ponte circus continue?

Professor Paul de Waart, the well known Dutch expert in international law, recently stated on the Netherlands' television, that the trial against Milosevic should have been suspended a month after it had started on the grounds of lack of evidence. The fact that this did not happen speaks volumes and proves that we are not dealing with a court but with political agents of NATO.

The half-time of Slobodan Milosevic's defense will follow the half-time of the „prosecution". The "prosecution" had up to 8 years to prepare its case. Slobodan Milosevic asked for two years for his preparation – two years in liberty, with access to archives, witnesses and means of communication. The "court's" answer is known: Milosevic has 3 months – in his prison cell. This, in reality, will mean only 6 weeks, at which time he is supposed to submit the complete list of defense witnesses and the main themes of their testimony. Equal protection before the law is a basic, internationally recognized

principle. But this "tribunal" doesn't care about internationally recognized principles. Here is a man, denied his rights, having to face alone this enormous apparatus, the NATO hemisphere. It simply shows, that this "court" has nothing to do with law. It tramples on the principles of rule of law.

We are proud that the founder of our international Committee is the president of the anti-fascists of Bulgaria, the land of Georgi Dimitrov. Prof. Velko Valkanov was right in his assessment: "It is not at all surprising that the judges have granted Milosevic so little time to prepare his defense. These are not really judges. If the tribunal is not a legitimate court, how can these people be true judges? They have a political mission to accomplish. They are the executive organs of political vengeance – a vengeance carried out against all those who dared to contradict the rulers of the world. The "judges" in The Hague are really accomplices to NATO's crimes. Their behavior at the tribunal is evidence of their anti-judicial nature."

How the tribunal deals with the health problems of its victims speaks also volumes and makes a mockery of UN conventions. Subsequent to a Dutch cardiologist's diagnosis that Slobodan has such high blood pressure that he is in danger of organic defects, heart attack, brain stroke and death, Del Ponte sneered in the Neue Züricher Zeitung on July 18, 2003 that "he is in very good health. Many people 60 years old and older have high blood pressure." One could not expect more sensitivity from this creature, but she added: "We don't spare him. – I hope you do not get this impression!" What should one call this – an attempt at judicial murder? What an abyss of cynicism, of pure contempt for humanity! It is for just this depth of cynicism that made fascist torturers infamous.

In my speech, June 28, at the Vidovdan, in front of the former Nazi-prison in Scheveningen – now serving as NATO-prison, I said: "They will not get away with it! Slaveholders were never victorious in history!"

We are demonstrating today under the motto: „We will not allow NATO to write our history!"

The NATO-powers need the revenge "justice" of Del Ponte's circus in order to establish their version of history, their interpretation of reality, as the only and eternal truth. They will not succeed, just as German fascists did not succeed in building their "1000 year Reich", which ended in 12 years.

In 1933, communists and anti-fascists wrote the „Brown Book on the Reichstag Arson and the Terror of Hitler". It is an excellent document of international anti-fascist solidarity. It was the central and strongest weapon against fascist lies. It was history written by the masses, the real history helping the population to learn the truth about fascist barbarism. Let us continue this tradition of antifascism and internationalism: let us use this example and write the black book on the destruction of Yugoslavia and NATO-terror. Let us contribute to the exposure of the truth about NATO's shady characters behind the tribunal. Let us propagate the truth about the just struggle of the Serbian people, about their heroic resistance against NATO-aggression – as an incentive for the necessary resistance to the "new world order".

In the article "Let's distribute Original-Ton of Slobodan Milosevic", SLOBODA made a classical formulation: Slobodan Milosevic will help us in our struggle, if we help him now! Let us make known, what Slobodan Milosevic is saying in courtroom. He is a feared weapon against imperialism, as is shown through May's behavior in the "tribunal" and the silence of the media. Our struggle for the release of Slobodan Milosevic stands in the tradition of the struggle against fascism and war.

The central lesson, the oath given after the liberation from fascist barbarism ended with the following promise: "Never again fascism, never again war!" This promise was broken on March 24, 1999. Never again fascism, never again war! This is and will remain our commitment. This connects us to the anti-fascists, the anti-militarists of all generations.

Anti-fascism is not simply a commemoration of the past. Anti-fascism is not looking towards the past. Anti-fascism still means, what Georgi Dimitrov said at the time: the struggle against the most aggressive forces of international finance capital and its world hegemonic designs.

defending those resisting the new hegemonic forces, we honor the memory of Georgi Dimitrov.

We repeat the promise we gave on June 28. We will come again!

Freedom for Slobodan! Liberty for Yugoslavia!

Freedom and Equality for all peoples!

Never again fascism, never again war!

URGENT CALL: Make the full victory of truth and justice possible!

SLOBODA urgently needs your donation.

Please find the detailed instructions at:

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

To join or help this struggle, visit:

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

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

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

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

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

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

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

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Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
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Onderwerp: CDSM: Address from President Slobodan
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Belgrade, 3 December 2003

President Slobodan Milosevic has addressed today by phone the session of the Head Committee, the highest organ of his party, the Socialist Party of Serbia. According to the Party Statute, the Head Committee has adopted today the party ticket for the forthcoming early parliamentary elections, scheduled for 28 December 2003, with the names of candidates for 250 seats in the Serbian parliament.

It has been also decided that according to the electoral law provisions, the SPS party ticket will have the name: SOCIALIST PARTY OF SERBIA – SLOBODAN MILOSEVIC.

Candidate with number one on the party ticket will be President Milosevic himself. The composition of the list of candidates, containing the most prominent names of both "reformists" and "consequent socialists" is considered to be a manifestation of unity of Serbian socialists, reached in the crucial moment and achieved in accordance with the expectation of the people, around the principal goal – to offer a socialist and patriotic alternative to the colonial regime that brought the country and the people into misery, humiliation and desperation. At the same time, the way the socialists appear in the elections proves that Slobodan Milosevic still, and even more than in the last years – a politician with the highest personal rating in Serbia. It is, without any doubt, a result of his successful struggle against the NATO puppet court at The Hague, which became a paradigm of the colonial domination over Serbia.

The socialists with Slobodan Milosevic will fight for at least 20% of seats in the Serbian parliament, which, if achieved, will make them unavoidable factor in the future political life of Serbia.

Below we give the full text of President Milosevic's today's address to the Head Committee of the Socialist Party of Serbia.

Dear comrades,

I wish to greet you and to tell you that we all together have a duty to struggle for victory and to win. It is the interest of the whole people, of every family and each individual. And looking from the prospective of individuals, of families and of the people – everyone wishes to live in prosperous and developed, safe and happy country.

In order to be all that, Serbia has to be free. That is why freedom is a goal that has to be above all other goals. That goal is reachable although it is hard to reach it. It is reachable since truth is the most powerful weapon. It is hard since great efforts, lot of work and firm unity are needed for that truth to access brain and heart of every citizen.

In these elections Serbian people has historical duty to choose the truth. Three years ago I warned citizens of Serbia what was going to happen if the exponents of foreign powers, i.e. of their governments, come to power. Everything happened exactly as I said – nobody can deny it today.

The Socialist Party of Serbia has duty and capability to gather and mobilize forces that will avert the processes which are the sad reality of Serbia – in the interest of peasants, in the interest of workers, intellectuals, in the interest of Kosovo martyrs, in the interest of everyone who lives of his own work – as well as in the interest of Serbian people, national dignity and dignity of every citizen.

I have proposed Milutin Mrkonjic for Prime Minister because he is a builder who proved himself in the hardest time. Serbia needs a million of new employments, it needs apartments, hospitals, schools, roads, railways, bridges, it needs accelerated improvement of living standards, both social and individual, for all – from babies in nurseries until pensioners.

Serbia is in Europe; it has no reason to stand submissively in anybody's waiting room. There is no happy beggar or wealthy colony. Fast integration into contemporary World can be achieved only through our own successful development – not by mercy or decree of the outside factors.

That is why Serbia should vote for truth, should vote for Serbia.

In that name I wish to send you at least one more time a message that we all together have a duty to struggle for victory.

Until victory!

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Van: "FCDSM" <liberezmilosevic@free.fr>
Aan: "FCDSM-CFDSM"
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FREE SLOBO !

Unitarian Newsletter issued by
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ICDSPP (International Committee to Defend the Serbian Political Prisoners)
and PACDSM (Pan-African Committee to Defend Slobodan Milosevic)

Lettre d'information unitaire co-éditée par
le CFDSM (Comité Francophone pour la Défense de Slobodan Milosevic),
le CIDPPS (Comité International pour la Défense des Prisonniers Politiques Serbes)
et le CPADSM (Comité Pan-Africain pour la Défense de Slobodan Milosevic)

www.free-slobo.org

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Ce numéro a été envoyé à plus de 61.000 mailes

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- PRESIDENT MILOSEVIC'S TODAY'S ADDRESS TO THE HEAD COMMITTEE OF THE SOCIALIST PARTY OF SERBIA
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PRESS RELEASE FROM THE SPS

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datum

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Until victory!

PRESS REVIEW : MILOSEVIC PLANS POLITICAL COMEBACK

EO-21-SI

By Eric Jansson in Belgrade

Published: December 1 2003

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Slobodan Milosevic, the former Yugoslav president detained in The Hague while facing war crimes charges, is planning to return to Serbian politics and run in the parliamentary elections at the end of the year.

Thrown from power in a putsch in 2000 and extradited under an international warrant, Mr Milosevic has clung to his post as honorary chief of Serbia's Socialist party. He will run first on the party's list in the December 28 ballot, Socialist leaders said on Monday.

Mr Milosevic remains deeply unpopular in Serbia, but he has timed carefully his return into the former Yugoslav republic's political ring. As disillusionment with post-war reform parties sets in, wartime nationalists are enjoying a surge in popular support, not only in Serbia but across the Balkans. Recent election triumphs for wartime nationalists in Bosnia, Croatia and Serbia have raised concern among western diplomats.

The victory of Tomislav Nikolic, a Serb nationalist radical, in presidential elections earlier this month was nullified only because total voter turnout fell below 50 per cent. Serbia's parliamentary elections pose the first big challenge to the broad coalition of reform parties that toppled Mr Milosevic's regime.

The coalition, known as the Democratic Opposition of Serbia (DOS), split up acrimoniously this month after 18 months of infighting. The March assassination of Zoran Djindjic, the prime minister and coalition leader, fatally weakened the DOS.

Opinion pollsters in Belgrade warn that the Serbian Radical party, a nationalist group founded by wartime paramilitary leaders, may form the largest party in parliament. At the head of its party list will be Vojislav Seselj, who like Mr Milosevic is detained facing trial for war crimes in The Hague. The decision of election officials to allow Mr Seselj's candidacy hints they may do the same for Mr Milosevic, although the Socialists boast fewer supporters.

Ivica Dacic, a senior Socialist party official, called Mr Milosevic's candidacy a "legitimate demand" issued by the former leader from his prison cell, Belgrade Radio B92 reported. Mr Dacic said party leaders expect to approve his candidacy formally later this week.

The party is expected to exceed the 5 per cent threshold required for entering parliament, so Mr Milosevic is virtually assured of success. He would be barred if he were convicted by a court, but whether this rule would apply to Hague convictions is unclear.

Maurizio Massari, ambassador for the Organisation for Security and Co-operation in Europe, said Serbs "cannot and will not turn the clock back" by again embracing authoritarian rule. But the political disarray of the country's once-powerful reform movement is a source of deep disillusionment for many Serbs and diplomats.

A poll taken by state television showed Serbs, by a ratio of more than 3-to-1, ready to embrace monarchy in place of their current democratic republic - a stance championed by Aleksandar Karadjordjevic, the English-born crown prince who has returned to Belgrade.

Les nouvelles qui sont données dans ce bulletin le sont à titre d'information. Elle n'impliquent pas nécessairement l'adhésion du comité éditorial de « FREE SLOBO », en particulier quant aux informations provenant des media occidentaux.

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Webmaster, Editeur responsable et Directeur de publication : Luc MICHEL

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<http://www.sps.org.yu/eng/explorer.htm>

BELGRADE FORUM (forum for the world of equals) :

<http://www.belgrade-forum.org/>

PCN-NCP'S YUGO INFO :

<http://www.pcn-ncp.com/yougoslavie.htm>

(Information en Français, en Serbe et en Anglais - Information in French, Serbian and English)

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Prosecutor v. Slobodan Milosevic

DECISION

THE DEPUTY REGISTRAR,

CONSIDERING Resolution 827 of 25 May 1993 ("Resolution 827"), the Security Council acting under Chapter VII of the Charter of the United Nations decided to "[...] establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia [...]" to "[...] contribute to the restoration of peace and to this end to adopt the Statute of the International Tribunal" ("Tribunal");

CONSIDERING the Statute of the Tribunal adopted by the aforesaid Security Council Resolution on 25 May 1993, as subsequently amended;

CONSIDERING the "Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or otherwise Detained on the Authority of the Tribunal" ("Rules of Detention") as adopted by the Tribunal on 5 May 1994, as subsequently amended;

CONSIDERING Rule 2 of the Rules of Detention which provides that the United Nations "shall retain the ultimate responsibility and liability for all aspects of detention pursuant to these Rules of Detention" and that all detainees shall be "subject to the sole jurisdiction of the Tribunal at all times that they are so detained, even though physically absent from the detention unit, until final release or transfer to another institution";

CONSIDERING that whilst the Rules of Detention ensure the continued application and protection of individual rights of persons in detention, the application of its provisions relating to communication and visits also require that the interests of the administration of justice and the purposes of the Tribunal's Statute be considered;

CONSIDERING THEREFORE that the Rules of Detention envisage that a balanced weighing of a detainee's individual rights with that of the institutional duties and obligations of the Tribunal may be called for in certain situations where conflicting interests become apparent;

RECALLING that by Resolution 827, the Security Council expressed "its grave alarm of continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized, and systematic detention and rape of women, and the continuance of the practice of 'ethnic cleansing', including for the acquisition and holding of territory" and determined "to put and end to such crimes and to take effective measures to bring to justice the persons who are responsible for them";

RECALLING ALSO that by Resolution 827, the Security Council determined that the establishment of the Tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would contribute to the restoration and maintenance of peace in the former Yugoslavia;

NOTING that Article 29 of the Statute of the Tribunal require States to "co-operate with the International Tribunal in the investigation and prosecution of persons accused of committing violations of international humanitarian law";

NOTING that Mr. Slobodan Milosevic (the "Accused") is presently being tried at the Tribunal for acts allegedly committed while he held high political office in the former Yugoslavia;

NOTING that the Accused is a candidate in Serbian parliamentary elections scheduled to be held on 28

NOTING PARTICULARLY that the Commanding Officer of the United Nations Detention Unit ("Detention Unit") has received reports that the Accused has recently made statements to his political party and supporters, using communication facilities provided by the Detention Unit and with the intention of having these statements subsequently being reported in the media¹;

CONSIDERING that Rule 63(B) of the Rules of Detention provides that "[t]he Registrar may refuse to allow a person to visit a detainee if he has reason to believe that the purpose of the visit is to obtain information which may be subsequently reported to the media" in accordance with the proper administration of justice and that it follows from this Rule and the principle on which it is founded, that communication between a detainee and others may be prohibited if there are reasons to believe that such communications would lead to a detainee's statements appearing in the media, particularly if the effect of such statements is to undermine the Tribunal's mandate to assist in the restoration and maintenance of peace in the former Yugoslavia;

CONSIDERING that the Accused has, as noted above, previously either directly contacted the media or has used his privilege to communicate with others who have in turn provided messages through the media in contradiction of the Rules of Detention, which have resulted in a widespread media attention and coverage of the fact that an indictee for genocide, crimes against humanity and war-crimes such as the Accused is facilitating, with ease, the ongoing Serbian parliamentary elections campaign;

CONSIDERING that the facilities provided by the Detention Unit are intended for the well-being of the Accused and not for purposes that frustrate the Tribunal's function to assist in establishing peace and security in the former Yugoslavia and that the fact that a detainee at the Detention Unit has communicated with the aid of facilities provided by the Detention Unit to participate in an ongoing Serbian parliamentary elections campaign is such an occasion that is likely to frustrate the Tribunal's mandate;

CONSIDERING that in balancing between the rights and entitlements to communication and visits of the Accused with that of the Tribunal to effectively perform its mandate and functions, the particular circumstances of the detainee necessitates the imposition of measures which are imperative for the avoidance of potentially deleterious media coverage resulting from unrestricted communication entitlements and visits for the time being;

DECIDES pursuant to Rules 60 and 63 of the Rules of Detention, for a period of thirty (30) days following this Decision, which decision shall then be reviewed, to:

(i) Prohibit communication, via telephone between the Accused with any person(s) (particularly with the media), such prohibition shall not apply to telephone communication with his immediate family, legal counsel (where applicable), diplomatic or consular representatives on condition that this facility shall not be used in any manner to contact the media;

(ii) All authorised telephone conversations, except for communications with recognised legal representatives (if any) and diplomatic or consular representatives, shall be monitored, in accordance with current Detention Unit practices;

(iii) Prohibit all visits between the Accused with any person(s) (particularly with the media), such prohibition shall not apply to visits with his immediate family, legal counsel (where applicable), diplomatic or consular representatives;

(iv) All authorised visits shall be supervised by the Commanding Officer of the Detention Unit or an official he designates.

(v) The aforesaid restrictions will not apply to written communications wherein the current practices shall be maintained and the Detention Unit's regulations concerning the import and

export of mail shall be adhered to.

David Tolbert
Deputy Registrar

Dated this eleventh day of December 2003
At The Hague
The Netherlands

1. The Commanding Officer of the Detention Unit confirmed that a speech made by Mr. Slobodan Milošević from his cell at the Detention Unit was broadcast on 3 Dec 2003 and subsequently reported in the newspapers.

Sagittarius

Van: "Hans Hupkes"
Aan: "Nico Steijnen" <sagitar@hetnet.nl>
Verzonden: donderdag 11 december 2003 21:41
Onderwerp: milosevic - clark
 VS krijgen 2 dagen om te knippen in 'Milosevic-Clark' (2)

Nieuw bericht: achtergrond vanaf 5e alinea

door Thomas Verfuss, ANP

DEN HAAG (ANP) - De getuigenis maandag en dinsdag van ex-NAVO-bevelhebber Wesley Clark in het Milosevic-proces wordt de vrijdag daarop, in 'bewerkte' vorm, gepubliceerd via internet en videoband. Dit heeft de griffie van het Joegoslavië-Tribunaal donderdag laten weten.

Clark onderhandelde met de toenmalige Joegoslavische president Slobodan Milosevic over de Kosovo-crisis voordat hij in 1999 leiding gaf aan de NAVO-bombardementen op Joegoslavië.

De Amerikaanse regering heeft bedongen dat zij voor publicatie in de opname mag knippen, zogenaamd om „nationale belangen" veilig te stellen. Critici hekelen dat daardoor mogelijk tekort wordt gedaan aan de vaststelling van de historische waarheid.

Milosevic krijgt de gelegenheid Clark een kruisverhoor af te nemen, zoals bij elke getuige van de aanklagers.

Onder 'normale' omstandigheden zouden pers en publiek er rechtstreeks bij mogen zijn. De uitzending via tv en internet zou met slechts een half uur vertraging plaatshebben. Er zou dan slechts in worden geknipt als bijvoorbeeld de naam van een anonieme ('beschermd') getuige wordt genoemd.

Sinds de VN-Veiligheidsraad het Joegoslavië-Tribunaal in 1993 oprichtte (met als drijvende kracht met name de Amerikaanse minister van Buitenlandse Zaken Madeleine Albright), is er soms kritiek geweest op te grote Amerikaanse invloed. Zo werkten, bij gebrek aan meer door de VN betaald personeel, de eerste hoofdaanklagers Goldstone en Arbour met veel gratis door de VS beschikbaar gesteld personeel dat in Amerikaanse overheidsdienst bleef.

Ook is het tribunaal, dat geen eigen politiemacht heeft, voor de arrestatie van voortvluchtige verdachten in Bosnië in hoge mate aangewezen op SFOR, de door de NAVO geleide internationale vredesmacht. Dit leidde tot verdachtmakingen dat het tribunaal zich wellicht wat extra soepel opstelde bij de beoordeling van mogelijke NAVO-oorlogsmisdaden tijdens de bombardementen in 1999.

Mensenrechtenorganisaties hekelden toen dat tal van burgerdoelen zijn getroffen, maar het tribunaal heeft daarvoor nooit een aanklacht uitgevaardigd.

Een confrontatie Milosevic-Clark met publiek erbij had Slobodan Milosevic tenminste een kans gegeven punten te scoren voor zijn hypothese dat het tribunaal een overwinnaarsrechtbank is die achteraf de NAVO-interventie moet goedpraten. Aangezien de pers volgende week vrijdag niet zal weten wat eruit is geknipt door de Amerikaanse 'schaar', is er ook geen controle op of het echt gaat om veiligheidsgevoelige zaken of 'slechts' om politiek

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: vrijdag 12 december 2003 17:07
Onderwerp: Sloboda/ICDSM: URGENT - President Milosevic cut from all contacts and visits 2 days before Wesley Clark testimony and 16 days before Serbian elections!



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udruzenje | association
YUGOSLAV COMMITTEE FOR THE LIBERATION OF
SLOBODAN MILOSEVIC
Belgrade, Rajiceva 16, tel./fax +381 11 639 152

www.icdsm.org

THE INTERNATIONAL COMMITTEE TO DEFEND SLOBODAN MILOSEVIC

Sofia - New York - Moscow - Belgrade, 12 December 2003

URGENT!

**ICTY/US/NATO Criminal Attack on Truth,
Freedom, Judiciary, Human Rights and Free
Democratic Will of the Serbian People**

**President Milosevic Cut from All Contacts with the
Outside World; War Criminal Wesley Clark to Testify
in Secrecy; Total US Takeover of ICTY; According to
the Polls, the Opposition Will Win the Serbian Elections;
Demonstrations at The Hague and ICDSM Press
Conferences in The Hague and New York**

PROTEST IMMEDIATELY!

ADDRESS ICTY, UN, GOVERNMENTS!

Today, recently US-imposed "Deputy Registrar" of ICTY David Tolbert, who effectively runs the Registry in presence of alive Hans Holthuis (The Netherlands), the Registrar, have made an illegal decision to ban all phone contacts and visits of President Milosevic with any person, except "his immediate family" and "recognized legal representatives (if any)". A similar decision was made today in the case of Dr Vojislav Seselj. Alleged reason: Serbian elections!

<http://www.un.org/icty/milosevic/trialc/decision-e/031211.htm>

Sloboda has already challenged illegal grounds for such restrictions in its letter to Tolbert's imminent boss, also recently appointed ICTY President Theodor Meron (USA). In spite he was obliged, Meron never responded to the Sloboda motion.

<http://www.sloboda.org.yu/engleski/request.html>

This is happening when polls and media reports show clear advantage of the opposition forces in the pre-election campaign in Serbia. Major event of this campaign was, of course, the fact that the left-patriotic ticket of the Socialist Party of Serbia is led by President Milosevic. His address to the Head Committee of SPS produced and is still producing a major impact on the people. So the reaction of the ICTY, the major weapon of the occupation of Serbia is an expected expression of fear.

<http://www.sloboda.org.yu/engleski/SMelections.htm>

Anyhow, this illegal and outrageous sign of desperation of war criminals' puppets at The Hague, must not be tolerated!

This is happening just two days before "the testimony" of the convicted (by the Belgrade District Court) war criminal general Wesley Clark. The conditions (full secrecy and possibility that US government redacts the transcript!) for his testimony imposed by US Government is a completely open admission that ICTY has no independence and that it

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is run neither by its "judges" nor by the UN Security Council, but by the US Government.

<http://www.un.org/icty/pressreal/2003/p802-e.htm>

<http://www.un.org/icty/pressreal/2003/PA149-e.htm>

(note that the ICTY is putting President Milosevic into total isolation, advertising (!) at the same time, phone number of the General Clark's PR representative! The number is: + 44 7974 982591)

What do they have to hide? The dirtiest part of the contemporary American history – the role of Clinton/Albright/Clark clique in building Al Qaeda, KLA and World terrorism; worst, cruelest and merciless war crimes in Yugoslavia.

<http://globalresearch.ca/articles/CHO310B.html>

Wesley Clark has to start his two-days "testimony" on Monday, 15 December 2003 at 9 a.m. in the ICTY at The Hague.

Since 8 a.m. a demonstrations will be held in front of the Tribunal.

Same morning, at 9 a.m. an ICDSM press conference will take part in the nearby Bel Air hotel. ICDSM attorney, Ms. Tiphaine Dickson (Quebec/Canada) will appear. Read a call for these events below.

A press conference is also expected to take place on 16 December in New York or Washington.

Let us not allow that ideals of the Peoples of the World, which founded UN organization be insulted by war criminals who use ICTY as a cover!

React immediately and address your appeals to ICTY, UN, your governments and the public!

Take part in the planed protest actions and organize your own!

Vladimir Krsljanin,

Sagittarius

Van: "mick collins" <cirqueminime@club-internet.fr>
Aan: "Christopher Black" <bar@idirect.com>; "Tiphaine Dickson" <tiphainedickson@videotron.ca>;
 "Vladimir Krsljanin" <slobodavk@yubc.net>; "Ian Johnson" <i-johnson@lineone.net>; "John
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 <redaktion@aikor.de>; "Le Monde Diplomatique" <secretariat@monde-diplomatique.fr>;
 "William Spring" <canauk@blueyonder.co.uk>
Verzonden: zaterdag 13 december 2003 23:35
Onderwerp: What can we say about Clark @ The Hague?

ICDSM France: More Dogs of War in The Hague

This is not a trial--it's a hostage situation. To discuss the proceedings of The Hague Tribunal in terms of legality, human rights, or peace, democracy and reconciliation in Yugoslavia/ Serbia, is like discussing a Hell's Angels gang rape in terms of the conceit of seduction in Late Restoration Sentimental Comedy. Such rhetoric as has been mustered to counter recent events at the ICTY, though perhaps quite valuable in other venues, is here insufficient to any understanding--or even a clear description of the phenomenon that has often been referred to as the most important war crimes trial of the last 50 years--that nobody 'out there' gives a shit about!

Two events seem to be driving the current discussions of the ICTY: the impending (15-16 December) testimony of self-proclaimed war criminal Wesley Clark, who, despite a conviction for war crimes in a Belgrade court, is standing for election as President of the US as a Democratic peace candidate; and the parliamentary elections in Serbia, in which both Slobodan Milosevic and his fellow Scheveningen habitué, Dr Vojslav Seselj, are candidates. Yet to note at this late date that the Tribunal is a political beast is really heralding the obvious.

Prof Valkanov, co-president of the ICDSM, calls Clark's appearance at The Hague 'cynical'. Yet the former Commander of NATO, whose testimony can only be that the man he targeted--on several occasions and along with millions of his fellow citizens--for death by Cruise missile, cluster bomb, environmental debasement and eventual DU-induced cancer, brought it all on himself, is just another in a long line of flatulent twisted sisters, spooks, ghouls and war-freaks, including Wm. Walker of Raçak fame, German nazi general Naumann, Paddy's pig Ashdown, and Dr David 'death' Owen. Cynical, sure. But hardly unusual for this lot.

Advocaat en Prokureur
 Couwenhoven 52-05
 3713 ER Zeist
 Tel. 0475 5 08 07
Mr. N.M.P. Steijnen

What seems even more cynical and unusual is how we in the opposition to this 'false Tribunal' (from President Milosevic's opening remarks and never more apropos!) have adopted and come to be dominated by the lexicon of the enemy. The first battle in any war of information is always over terms and their definitions. The West, Nato, the forces of globalized waste capitalism, whatever, with their spin meisters barfing out 'ethnic cleansings', 'rape and death camps', 'genocidal dictators', 'Stalinist strongmen', 'nationalists v multiculturalists', and their overtime criminalizing of victims and victimating of aggressors, all to the end of sustaining divisive cultural (and religio-national) distinctions while snuffing out all laic ecumenism--these forces in control of the means of destruction and who dictate the rules of engagement also control and dictate the terms of debate.

Now, some have said that we must continue within the ideational structures the enemy has set down for us because there are some innocents out there who know no other language and are still to be convinced--some dare call them 'liberals'. And others see no harm in referring to the late PM Zoran Djindjic's strong-arm bagging of Slobodan Milosevic out of Belgrade and into an unscheduled RAF flight for The Hague as 'extradition'; or referring to the draconian conditions of the Yugoslav pow's incarceration as a 'denial of certain human rights including the all-important presumption of innocence'. But what this sort of diction does, far from convincing anyone of the Tribunal's invalidity, is to undermine President Milosevic's considered moral position against dignifying The Hague process with his participation, and lend judicial or ethical legitimacy to the Tribunal by joining the discussion of this a-legal monstrosity of instrumental un-reason using the very terminology it has so debased.

We certainly should take every opportunity to engage the NATO enemy with all its drooling and diseased curs like Clark. But we must retake the initiative by refitting our arguments with a more suitable lexicon: Not a lexicon customized for criticizing an illegal judicial organ, but one sufficient to strike down the entire body of institutionalized terror that has come to be used as an extension of the perpetual war against popular and secular society.

13 December 2003

wtjcp

Mick Collins

Cirque Minime/Paris

Réprésentant en France du Comité pour la Défense de Slobodan Milosevic

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zondag 14 december 2003 21:52
Onderwerp: War Criminal to Testify In Secret: Toronto Lawyers
 War Criminal to Testify In Secret: Toronto Lawyers Object

We deplore the fact that US General Wesley Clark is being called by the Prosecution to testify at the Milosevic trial before the International Criminal Tribunal for the Former Yugoslavia in The Hague on December 15, 2003.

General Wesley K. Clark was commander of NATO and chief of US forces in Europe during the NATO attack on Yugoslavia in 1999. This attack was unlawful. In 1999 a group of lawyers and legal academics drafted a Request that the Prosecutor for the ICTY investigate and indict named persons including General Clark for war crimes in connection with the attack on Yugoslavia. This was only one of many such requests and demands from thousands of individuals around the world. The attack was a war crime of the highest magnitude. The Nuremberg tribunal held that the instigation of a war of aggression or a war contrary to international treaties was the most serious war crime - a crime against the peace - and one which contained within it the combined evil of all of the other enumerated war crimes. The NATO attack on Yugoslavia was undertaken in violation of the UN Charter, without UN approval and was thus a crime against the peace.

Professor Michael Mandel and David Jacobs presented a detailed brief to Chief Prosecutor Del Ponte demonstrating that General Clark's actions in Yugoslavia fit the definition of war crimes, crimes against the peace and crimes against humanity. There was overwhelming evidence that the attack was unlawful and that the conduct of the attack on civilian objects breached the Geneva Conventions. Regrettably, the Prosecution has laid no charges to date, despite the fact that General Clark has publicly admitted that the war was unlawful.

Now this unindicted war criminal is being allowed to use the ICTY as a vehicle for his electoral ambitions, and is being furnished with the ideal conditions for so doing: none can report on his testimony, or how his evidence stands up under cross-examination. The power of the US Government is manifest here, as it has successfully demanded that a Tribunal, bound to hold fair and public trials, violate the fundamental rule that justice must be seen to be done. No interest in a fair trial is served, only US interests. Yugoslav interests were ignored as the Tribunal extradited President Milosevic to stand trial in The Hague contrary to its constitution and to the rulings of Yugoslavia's highest court.

The administration of justice is brought into disrepute by permitting the likes of Clark to testify at all, let alone behind closed doors. Unfortunately this is only one of the many examples of disreputable justice administered in this trial.

David Jacobs, Christopher Black, Professor Michael Mandel, Charles Roach,
 December 12, 2003, Toronto

For further information contact David Jacobs 416-539-0226 ext. 202

The Hague, 15 September 2003

8:00 a.m. Demonstrations in front of the Tribunal

9:00 a.m. ICDSM Press Conference at Bel Air Hotel
ICDSM lawyer Tiphaine Dickson will give a statement
and answer questions of the press

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To join or help this struggle, visit:

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

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

Milosevic)

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

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

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

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

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

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Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: zondag 14 december 2003 21:33
Onderwerp: ICDSM Vice-Chairman: US/ICTY murder of
 CHRISTOPHER C. BLACK

Barrister-at-Law

Mr. Hans Holthuis,
 Registrar,
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 Churchillplein 1,
 2517 JW, The Hague,
 P.O. Box 13888,
 501 EW, The Hague,
 Netherlands

December 12, 2003

Re The Prosecutor v. Slobodan Milosevic and Vojislav Seselj

Dear Sir;

The decision of the Deputy Registrar made the 11th of December, banning all but restricted contact between President Slobodan Milosevic and Vojislav Seselj and the outside world has unveiled before the whole world the political character and objectives of this tribunal. The decision is a blatant interference in the elections in Serbia by the United States and its satellites, including this tribunal. It is nothing less than an attempt to sabotage those elections, to impose the will of the United States on the people of Serbia, to deny the people of Serbia the right to decide their own fate, their right to self-determination. It is a complete denial of the civil and political rights of Slobodan Milosevic, and in reality, all of us.

The "legal" rationale offered for this murder of democracy would be laughable if it were not so tragic and dangerous to the world community. You state that Resolution 827 of May 25, 1993 of the Security Council was enacted under Chapter VII of the UN Charter. It was not. The Security Council has no authority under that or any other Chapter of the UN Charter to create this tribunal. The tribunal exists in fact. But it has no legal existence and it has no legal jurisdiction. Those subject to its control are not prisoners of a judicial system. They are political hostages, held by force of arms and subject to forced political show trials.

This reality was established by the issuing of the indictment against President Milosevic during the illegal aggression against Yugoslavia by NATO forces in May 1999 in order to justify that war crime to the peoples of the NATO countries. It was confirmed when the Prosecutors, Louise Arbour, and her successor, Carla Del Ponte, also decided not to prosecute "persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia" as they were required to do by the "Statute" of the tribunal. They refused to prosecute NATO leaders, officers and officials, including General Wesley Clark, despite the overwhelming evidence in their hands that those leaders, officers and officials had committed such crimes on a mass scale.

So, you could not have been considering Resolution 827 when you made your decision.

You state that you considered the "Rules of Detention". Yet those Rules themselves are without

legal effect and in any event are subject to change at the whim of the tribunal. Your expressed claim to have considered the detainee's "individual" rights is puzzling because from the beginning of their imprisonment their rights, as expressed in several international conventions, have been consistently violated. Despite the fact they are presumed to be innocent they are treated as condemned. Despite the fact they are citizens of Serbia with full civil and political rights they are treated as if they were in exile.

The ban is a complete denial of the presumption of innocence, a complete denial of the right to a fair trial, and is a complete negation of the purported reason for creating this tribunal in the first place; to contribute to the restoration and maintenance of peace in the former Yugoslavia. But, of course the real mandate of the tribunal was and is not the restoration of peace, but the elimination of democracy and so it has proved. It is for this reason and this reason only that this ban on communication has been ordered. The tribunal's true mandate is to discredit the Socialist and Radical parties in Serbia and their leaders.

However, you are mistaken in your estimation of these prisoners and the people of Serbia if you believe this will succeed. The people of Serbia and the world recognize this ban for what it is; an egregious and open interference with the expression of their popular will. They will react and there will be more support for those who believe in a sovereign and progressive Serbia.

In the result, The International Committee For The Defence of Slobodan Milosevic demands the immediate restoration of communication between Slobodan Milosevic and Vojislav Seselj and the outside world including the right to communicate with the press failing which we will consider appropriate legal action.

Regards,

Christopher Black,
Vice-Chairman of the ICDSM
Chairman, Legal Committee of the ICDSM

Cc:President of the Tribunal, Judge T. Meron

Carla del Ponte

968 Wilson Avenue, Toronto, Ontario, Canada,

1-416-928-6611, fax-9515, bar@idirect.com

The Hague, 15 September 2003

8:00 a.m. Demonstrations in front of the Tribunal

9:00 a.m. ICDSM Press Conference at Bel Air Hotel
 ICDSM lawyer Tiphaine Dickson will give a statement
 and answer questions of the press

15-12-03

Mr. Steijnen.

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datum

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15-12-03

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zondag 14 december 2003 23:54
Onderwerp: Gag Order Against Milosevic: Illegal, Illogical and Strictly Political; by Tiphaine Dickson

The ICTY Gag Order Against Slobodan Milosevic:

Illegal, Illogical and Strictly Political

On December 12th, the ICTY suspended all visits and telephone communications to Slobodan Milosevic, with the exception of members of his immediate family, diplomatic representation and legal counsel, based on the claim that he has communicated with the media in the context of upcoming elections in Serbia.

The ban on visits and telephone communications is a punitive measure undertaken to prevent the exercise of Mr. Milosevic's right to freedom of expression, and his right, pursuant to Serbian law, to stand as a candidate in the electoral process. The ICTY disregards and debases the cornerstone of criminal law: the presumption of innocence, and appears to be meddling in the political affairs of Serbia, by gagging the President of a legally constituted and legitimate political party—the Socialist Party of Serbia—thereby crippling the SPS's parliamentary campaign.

This unprecedented decision follows the US government's imposition of conditions to which Wesley Clark's upcoming testimony will be subjected. Clark's testimony will be delivered behind closed doors, and will be the object of review and subsequent censorship by the US. It should be noted that General Clark is a candidate for the US Presidency—just as Slobodan Milosevic is a candidate for the Serbian Parliamentary elections.

The ICTY's press release announcing General Clark's "retransmitted"-- and US-approved-- testimony provides the press with the phone number of the US Presidential candidate's public relations firm. Clearly, the ICTY—a creation of the UN Security Council—has preoccupations visibly unrelated to those of courts as generally envisaged: that is, to dispense justice independently and impartially, by carrying out fair and public trials.

The decision to ban communications and visits constitutes an extraordinary violation of international law and the basic principles of legality. The ICTY has justified this draconian measure by stating concerns that the press might somehow interfere with the institution's mandate, as stated in the Deputy-Registrar's decision:

“the particular circumstances of the detainee necessitates (sic) the imposition of measures which are imperative for the avoidance of potentially deleterious media coverage resulting from unrestricted communication entitlements and visits for the time being.”

that "potentially deleterious media coverage"? Of whom or what, precisely? Which particular circumstances? Is Mr. Milosevic presumed guilty? It appears so, as the gag order specifies that:

"...the Accused has, as noted above, previously either directly contacted the media or has used his privilege to communicate with others who have in turn provided messages through the media in contradiction of the Rules of Detention, which have resulted in a widespread media attention and coverage of the fact that an indictee for genocide, crimes against humanity and war-crimes such as the Accused is facilitating, with ease, the ongoing Serbian parliamentary elections campaign"

This unsubstantiated allegation is designed to suggest that Slobodan Milosevic is guilty of the crimes he is "alleged" to have committed, and therefore should not have the right to "facilitate"—one does not easily grasp the meaning of the expression-- the Serbian electoral campaign. The ICTY may very well disapprove of the fact that Slobodan Milosevic is participating in the democratic process of his country—as is his right, as a Serbian citizen, President of the Socialist Party, and former President of his country—three times elected by his people. However, an institution that proclaims to carry out a judicial function, under international law, no less, must act according to the law. The gag order imposed on President Milosevic is contrary to legal principle and international human rights instruments. Its political justification raises concerns that the ICTY does not possess the independence required to be a court of law.

Equality of Arms

The Registrar's decision violates the basic principle of equality of arms. "Equality of arms" is an international legal concept equivalent to "due process", and a fundamental fair trial guarantee.

At the ICTY, the Registry permits, finances and otherwise aids and encourages unrestrained access to the media by the Prosecutor, while denying any such contact on the part of an accused person. The Registry facilitates, finances and otherwise supports joint press briefings of the ICTY's Spokesman for Registry and Chambers with Office of the Prosecutor's spokeswoman. Summaries of these press conferences are made available on the ICTY's website at <http://www.un.org/icty/latest/index.htm> .

Article 21 of the ICTY Statute sets out the minimum rights of accused persons. These rights encompass the principle of the equality of arms.

The principle of equality of arms, in the context of a trial, is to be interpreted as meaning that each party must be afforded a reasonable opportunity to present its case, under conditions that do not place it at a substantial disadvantage vis à vis the opposing party.

The Registrar's ban puts President Milosevic at "a substantial disadvantage vis-à-vis the opposing party" as, simply put, the "opposing party" maintains a channel of

communication with the media, which it uses to present its case, and does so with the assistance and support of the Registry.

Equality of arms is violated when the Registrar simultaneously bans visits to an accused, based on the prohibition on contact with the media, while facilitating joint press briefings of the Tribunal and Prosecutor's spokespeople. The imbalance is striking.

That the Registrar would seek to impair the Socialist Party of Serbia's electoral campaign and would punish Slobodan Milosevic by depriving him of visits and telephone communications immediately before the testimony of a US Presidential candidate-- whose public relations contacts have been provided to the press by the same Registrar—is so outrageously foreign to judicial practice that it reveals the ICTY's inability to perform a judicial function in accordance to international legal standards.

The Registrar's decision violates freedom of expression and interferes with the Serbian democratic process

Some security considerations can legitimately justify the non-disclosure of certain information to the media by visitors such as the details of floor plans of Detention Unit, for instance. Security considerations are a pattern throughout legislation governing visits to detention units under international and domestic law.

In contrast, the Registrar's decision constitutes a blanket prohibition of contact with the media. No security considerations have been asserted in support of the ban, which is tantamount to a gag order.

The ICTY is held to apply and respect the provisions of the *International Covenant for Civil and Political Rights*.

The accused is presumed innocent by Article 21 of the ICTY Statute until proof has established his guilt beyond a reasonable doubt. The accused preserves his freedom of expression.

Visitors to the accused also enjoy the right to freedom of expression, a fundamental right set out in Article 19 of the *Universal Declaration of Human Rights*:

"Everyone has the right to the freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The Appeals Chamber of the ICTY has recognized the public's right to receive information from the press as a component of freedom of expression. On interlocutory appeal in *Prosecutor v. Brdjanin*, the Appeals Chamber overturned the Trial Chamber's decision to issue a subpoena to journalist Jonathan Randall. The Appeals

amber held:

As has been noted, the right to freedom of expression includes not merely the right of journalists and media organizations freely to communicate information. It also incorporates a right of members of the public to receive information. As the European Court of Human Rights put it in its decision in Fresso and Roire v. France: "Not only does the press have the task of imparting information and ideas on matters of public interest: the public also has a right to receive them."

Brdjanin described the vital role of war correspondents in the work of the Tribunal, and concluded:

The Appeals Chamber will not unnecessarily hamper the work of professions that perform a public interest.

The British House of Lords, in *Regina v. Secretary of State for the Home Department Ex Parte Simms (A.P.) Secretary of State for the Home Department Ex Parte O'Brien* overturned the British Home Secretary's ban on verbal interviews between convicted prisoners serving sentences and the media.

The *O'Brien* case establishes that convicted prisoners have the right to conduct interviews with the media and discuss the unfairness of their trials. Lord Steyn stated:

The prisoners are in prison because they are presumed to have been properly convicted. They wish to challenge the safety of their convictions. In principle it is not easy to conceive of a more important function which free speech might fulfil.

O'Brien acknowledged the reality of miscarriages of justice, and the crucial role of the media in exposing them.

President Slobodan Milosevic asserts his innocence, and steadfastly refuses to recognize the ICTY as a court. He is innocent, until proven otherwise, and has every right to deny the legitimacy of this institution. By banning contact with the media, the Registrar has violated the rights of Mr. Milosevic, of his visitors, and of the public at large. Serbian democracy is also the target of this measure. The Socialist Party of Serbia has legally elected Slobodan Milosevic as President of the party and can, in full conformity with Serbian law, present him as a candidate. The ICTY has inexplicably decided to obstruct the Socialist party, and has demonstrated its political—not judicial—preoccupations. This measure has been carried out in the name of the Tribunal's mandate to "restore peace in the former Yugoslavia". The measure is unconscionable, and the consequences for Serbia—and for the future of international law—are catastrophic.

The ICTY may not enjoy President Milosevic's criticism. Nonetheless, the public benefits of permitting him to communicate with the media far outweigh whatever embarrassment might be visited upon the ICTY. As Lord Steyn stated it:

Freedom of expression is, of course, intrinsically important: it is valued for its own sake. But it is well recognised that it is also instrumentally important. It serves a number of broad objectives. First, it promotes the self fulfilment of individuals in society. Secondly, in the famous words of Mr. Justice Holmes (echoing John Stuart Mill), "the best test of truth is the power of the thought to get itself accepted in the competition of the market.": *Abraham v. United States* 250 U.S. 616, at 630 (1919), per Holmes J. (dissent). **Thirdly, freedom of speech is the lifeblood of democracy. The free flow of information and ideas informs political debate.** It is a safety valve: people are more ready to accept decisions that go against them if they can in principle seek to influence them. It acts as a brake on the abuse of power by public officials. It facilitates the exposure of errors in the governance and administration of justice of the country: see Stone, Seidman, Sunstein and Tushnett, *Constitutional Law*, 3rd ed., (1996), 1078-1086

The House of Lords contemplated the right of *convicted criminals* to conduct interviews with the media. Neither Mr. Milosevic nor his visitors have been convicted of any crimes, yet the Registrar's decision strips them of rights enjoyed by convicted persons in the United Kingdom.

Freedom of expression before the ICTY

In the matter of *Brdjanin*, the Appeals Chamber recognized freedom of expression as a fundamental right which could be restricted only for the protection of a public interest.

The Registrar justifies the gag order by suggesting that the press coverage of President Milosevic's participation in the Serbian election campaign would frustrate the ICTY's mandate:

CONSIDERING that the facilities provided by the Detention Unit are intended for the well-being of the Accused and not for purposes that frustrate the Tribunal's function to assist in establishing peace and security in the former Yugoslavia and that the fact that a detainee at the Detention Unit has communicated with the aid of facilities provided by the Detention Unit to participate in an ongoing Serbian parliamentary elections campaign is such an occasion that is likely to frustrate the Tribunal's mandate;

The public can be forgiven for assuming that a tribunal's function is to render justice and hold fair trials, not to "assist in establishing peace and security". And even if it were not entirely inappropriate and frankly dangerous for a judicial institution to carry out the function of a gendarme, one still cannot follow the Registrar's reasoning. How is it that Slobodan Milosevic's participation in the Serbian elections—or rather the fact that his participation may produce "deleterious coverage" by the media—"is likely to frustrate the Tribunal's mandate"?

The gag order obviously violates Mr. Milosevic's rights, the rights of his party, and

the rights of the people of Serbia. But the rights of the media and general public are being violated as well.

Transparency is required of any judicial institution. The law is further perverted and debased when employed to obstruct the internal political affairs of a sovereign nation-- in particular when the justification for such an intervention is based on the promotion of "peace and security".

The gag order violates the fundamental, universally recognized principle of presumption of innocence

Only a blatant disregard for the presumption of innocence can justify the violation of President Milosevic's fundamental right to freedom of expression, in addition to the violation of the rights of his potential visitors.

In effect, a ban on visits and telephone conversations following alleged communication with the media for political purposes supposes that President Milosevic is guilty and that his visitors are guilty by association. The ban assumes that Mr. Milosevic will tell his visitors bad things--political things-- which in turn will be reported in the media.

The ban also appears to prevent information favorable to Mr. Milosevic from being published in the media, which could only be justified if his guilt were assumed.

In any event, the Registrar's decision suggests that the public cannot be trusted with any information that could be received in the course of a visit with Mr. Milosevic.

The Registrar's decision violates Rule 5 of the *Rules of Detention*, which states:

All detainees, other than those who have been convicted by the Tribunal, are presumed to be innocent until found guilty and are to be treated as such at all times.

The gag order is tantamount to ordering the isolation of President Milosevic

The governing principle with respect to detention has been set out above: All detainees, other than those who have been convicted by the Tribunal, are presumed to be innocent until found guilty and are to be treated as such at all times.

This principle is at the heart of the rule providing for detainees right to visitors of their choice, subject to security considerations. This general rule is consistent with UN protocols on detention.

Amnesty International provides the following justification for the principle of free access to visitors:

The rights of detainees to communicate with others and to receive visits are fundamental safeguards against human rights abuses such as torture, ill-treatment and "disappearances".

Detained and imprisoned people must be allowed to communicate with the outside world, subject only to reasonable conditions and restrictions.

Mr. Milosevic has been deprived of visits from his wife and immediate family since March 2003. In August, the Registrar banned visits from members of the Serbian Socialist Party and "associated entities". The present order constitutes a wide ranging ban on all visits, with very limited exceptions: legal counsel, and consular representation.

The Registrar's decision is tantamount to imposing isolation on Mr. Milosevic. It is unwarranted, arbitrary and capricious. Its effect—the violation of a candidate's right to political expression—which candidate was legally named by a legitimate political party—in the context of democratic elections—is a blow to the idea of international justice, as envisaged by the framers of the UN Charter, for whom the sovereignty of states, the right of peoples to self-determination, and the refusal to carry out international relations by the use of force or the threat of force were to be valued above all else. That those ideals be perverted in the name of justice itself can only imperil international law.

Tiphaine Dickson, Attorney

The Hague, December 14th, 2003

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The Hague, 15 September 2003

8:00 a.m. Demonstrations in front of the Tribunal

9:00 a.m. ICDSM Press Conference at Bel Air Hotel

ICDSM lawyer Tiphaine Dickson will give a statement and answer questions of the press

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Onderwerp: The Deposition Will not be Televised: Wesley Clark vs. Milosevic; by Tiphaine

THE DEPOSITION WILL NOT BE TELEVISED:

WESLEY CLARK'S TESTIMONY IN THE MILOSEVIC TRIAL

The right to a fair and *public* trial, the cornerstone of criminal justice, has been under attack since September 11th, 2001. The protean war on terrorism has led to a growing culture of judicial opacity and has had the effect of increasing the public's tolerance of closed proceedings, in the name of State security and national interests.

Yet not only in the US-- or at Guantanamo Bay-- have the courthouse doors been slamming shut, and the workings of justice shielded from public view. At the International Criminal Tribunal for the former Yugoslavia (ICTY), the public and the media are often invited to step out of the public gallery for confidential portions of proceedings. The defendant's right to a public trial[1]-- and the public's right to measure whether justice is truly carried out independently and impartially-- is infringed upon by security considerations with alarming frequency, particularly in the case of Slobodan Milosevic. To exclude the public from even a fraction of such a historically important trial, before a Tribunal created by the Security Council of the United Nations[2]-- ostensibly to establish truth[3], reconciliation[4] and peace[5]-- would seem to defeat the purpose. How can a UN body disregard UN human rights instruments and General Assembly resolutions which elevate the right to a public trial to the gold standard in the protection of human rights? The fact that the ICTY was created for political considerations provides some insight into the question. Madeleine Albright was described as "the mother of the Tribunal" by its past President[6], and Madam Secretary also lent her name to the so-called "humanitarian" war in Kosovo[7].

Political Trial, Political Testimony, Political Pressure

Any doubt as to the political nature of the ICTY has been put to rest following the imposition by the US government of bafflingly stringent conditions for the upcoming testimony, on December 15th and 16th, of US presidential candidate Wesley Clark for the Prosecution in the Milosevic case[8]. The American government has succeeded in requiring that General Clark's testimony be held in the absence of the public or press, and has obtained the right to delay the transmission of the testimony for 48 hours, in what the ICTY had called a "temporary closed session." The delayed transmission is designed to permit the US government to "review the transcript and make representations as to whether evidence given in open session (sic) should be redacted in order to protect the national interests of the US". This process will engender a further delay, as the Chamber considers US requests for censorship of the public record, in keeping with the legally

nebulous concept of US "national interests".

But what could General Clark have to tell the Security Council Tribunal that he hasn't said in an interview, written in an op-ed, or detailed in one of his two self-congratulatory tomes on the art of war? More importantly, what could he possibly say *against* the interests of President Slobodan Milosevic that would require the imposition by the US of stringent conditions to protect its "legitimate national interests"?

Could it be that Wesley Clark is a vulnerable witness? In the context of the ongoing-- and apparently endless-- "war on terrorism", might the US government wish to prevent questions being asked about General Clark's role[9]-- and that of his government[10]-- in providing military, financial and political support to the KLA[11], whose well-documented links to Al-Qaeda[12] now threaten to throw intolerable light on the effects of US foreign policy in the Balkans?

The ICTY has already agreed that seven paragraphs of Clark's full statement will be placed under seal, inaccessible to the public. The US government, which has obtained the right to have two representatives present in the courtroom for General Clark's testimony-- in contrast to the public, who are entitled to no representative whatsoever-- may request that further evidence be given in private session.

Public Trial?

In other words, while Wesley Clark--a public figure, US presidential candidate and former Supreme Commander of NATO during its bombing of Yugoslavia-- testifies at the trial of Slobodan Milosevic--the trial of the century-- the public and media will be shut out. For 48 hours, the public will wait for the US government to decide what it believes the media can be trusted to report, and what must be cut from the public record, in the name of "national interests". During the invasion of Iraq, embedded journalists obtained information in a timelier manner. And upon what basis will the Chamber decide whether or not to grant US requests to cut evidence from the public record? Isn't the concept of "national interest" a somewhat subjective, political notion, making the adjudication of its content and applicability next to impossible? A foreign government-- the sole superpower-- imposes conditions on the testimony of a retired general and presidential candidate against the former president of the nation bombed under the orders of the witness. The conditions of the testimony violate internationally recognized rights to public trials. The conditions violate the rights of the accused, the media, and the public. That a court of law -- much less an international tribunal purportedly designed to uphold human rights and bring an end to the culture of impunity-- would accept such outrageous conditions is unthinkable, unless this is a political, rather than judicial process.

The public nature of the judicial process is vital to any democracy: public access to open justice ensures fair trials. Only if justice is accessible can the people form an opinion as to whether trials conform to national and international standards[13]. Public access to criminal proceedings protects defendants from malicious, abusive, or political prosecutions, carried out in secret, far from public scrutiny. In the context of the

Milosevic trial, these considerations apply with greater urgency still, given the political nature of the Tribunal, the proceedings, as well as the financial and institutional support received by the ICTY from certain governments and individuals[14], whose preoccupations and interests are at odds with the requirements of justice as envisaged by international and domestic standards.

"National interests" trump cross-examination

Slobodan Milosevic's right to cross-examine Wesley Clark has also been severely curtailed-- contrary to the rights set out by the ICTY's Rules of Procedure and recognized in all adversarial systems of law. He will not be entitled to question General Clark on matters of credibility, an outrageous restriction in light of the fact that Clark, a US presidential candidate, has recently acknowledged that the 78-day bombing campaign against Yugoslavia by NATO-- a campaign for which he was directly responsible-- was carried out in "technical" violation of international law[15].

Questions of credibility inevitably arise with respect to a witness testifying about Mr. Milosevic's intent and good faith as a negotiator. In such a case, the defence would be entitled to question the sincerity of the witness, one who ordered the bombing of the RTS television studios in Belgrade[16], just as a link-up was being established for an interview with Larry King on CNN[17]. One could ask about the bombing of a passenger train, and in particular, about the less than forthright justification provided by the witness, publicly, for that incident of "collateral damage"[18]. In particular, Clark could be asked why he stated to the press that the train's speed was such that the missiles' trajectories could not be altered, using altered videotape footage—shown at three times the normal speed—to support his justification for these civilian deaths. General Clark's incredible explanations for the bombing of the Chinese embassy— one of which was: « I had another call that said, "Whoops. It looks like the embassy was moved »[19] would also constitute appropriate lines of cross-examination.

It is presently unknown to the public if Clark will even be questioned with respect to the bombing campaign. If his statement does not cover NATO's attack on Yugoslavia, Slobodan Milosevic will not be entitled to raise it at all, as the conditions obtained by the US government limit questions asked to the content of Clark's statement[20]. The ICTY has allowed Mr Milosevic to "seek to have the scope of examination expanded by prior agreement of the US government"[21]. This delegation of judicial authority by the Trial Chamber to the US government would be comical if it were not such a striking manifestation of this institution's incapacity to act judicially. Why can't President Milosevic apply to the *judges* to request a wider scope of cross-examination? When did the US government replace the judges on the bench? No legal explanation or authority is provided by the ICTY's decision to justify such an incredible measure. It is simply an admission that this institution cannot adjudicate the facts or apply the law with the independence and impartiality required by international legal authority as well as its own statute, which provides that "The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses"[22].

The Rules of the ICTY also set out that "all proceedings before a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided." [23] Exceptions to this rule do not include the imposition, by a foreign government, of closed sessions and censorship of the public record, based on "national interests" [24], even when that foreign government is an indispensable financial contributor to the Tribunal. [25]

"National interests"

What are "national interests", anyway? One could be forgiven for concluding that they could mean anything. The law is silent as to the definition of this notion. The concept of "national security" however, has been studied and defined as a legal concept. In particular, the question of whether and when the public can be deprived of access to information in the name of national security was the object of an important international legal conference held in Johannesburg in 1995, at which the "*Johannesburg Principles on National Security, Freedom of Expression and Access to Information*", were adopted. The meeting was convened by Article 19, the International Centre Against Censorship, and the Centre for Applied Legal Studies of the University of Witwatersrand, South Africa [26].

A restriction to open justice, on the ground of "national security"--and not "national interest"-- a concept which would appear to protect less urgent concerns--is *not*, according to Principle 2 of the Johannesburg Principles "legitimate unless its genuine purpose and demonstrable effect is to *protect a country's existence or its territorial integrity against the use or threat of force*, or its capacity to respond to the threat or use of force, whether from an external source, such as a *military threat, or an internal source, such as incitement to overthrow the government.*"

Did the US government argue that the very existence or territorial integrity of the United States of America would be imperiled by Wesley Clark's public testimony? It is unknown whether they did or not, because the application made by the US government to require these conditions--without which conditions they would not permit Wesley Clark to testify at all-- was confidential. The hearing was confidential. And the confidential decision setting out these conditions--released to the public over two weeks after being handed down--fails to offer any indication of which "national interests" were invoked by the United States government to justify such sweeping measures of secrecy.

The Johannesburg Principles also set out what would *not* constitute a legitimate restriction to a public trial on the basis of national security:

"In particular, a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect *interests unrelated to national security*, including, for example, to *protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology*, or to suppress industrial unrest." [27]

Clearly, the fact that the ICTY would accept the imposition by the US of conditions which egregiously violate one of the most fundamental principles of international law-- public trials-- without a public case ever having been made to justify such an unprecedented restriction, should thoroughly dispell any myths about the fairness of these proceedings.

Consider, in addition, that Wesley Clark is very much a public figure, he is running for President of the United States, and accordingly, his testimony should be subject to public scrutiny. And note that General Clark, retired, testifies against Slobodan Milosevic in interviews almost every day-- and frequently engages in derisive imitations of him which mock his Slavic-accented English[28]. Could it be that the ICTY is protecting the US "national interest" in the public and media by not hearing Slobodan Milosevic effectively cross-examine Wesley Clark?

The US government has succeeded in insulating Clark's testimony from public scrutiny in the name of "national interests". But why stop at General Clark? And why would other NATO countries fail to seize this opportunity to testify as accusers without having to bear the consequences of a transparent process? This precedent will no doubt be invoked to protect other American officials[29] from the strains of public trials, and in turn, serve to further secure US impunity under international law. US impunity is already well-established, considering the American government's refusal to submit to the jurisdiction of the International Criminal Court for fear of "political prosecutions"[30]. Such a concern, when viewed in light of the massive US contribution to both *ad hoc* Security Council tribunals, the ICTY and ICTR-- from which one may presume that the US has culled evidence of unfounded, politically-motivated prosecutions[31]--elevates disingenuity to dizzying heights.

Conflict of interest?

The right to a fair and public trial is the right to a fair and public trial before an *independent and impartial tribunal*. Every international legal instrument recognizes this basic principle[32].

Wesley Clark will presumably be testifying about his role as NATO Supreme Commander. The US is a NATO country--arguably *the* NATO country. As Wesley Clark put it: "we're the leaders of NATO, we set up NATO, it's our organization." [33] The ICTY is in a difficult position to act as an independent judicial body, because NATO has stated that "it is one" with the Tribunal. NATO spokesman Jamie Shea, on May 16th 1999, told the press that when "Justice Arbour starts her investigation, she will *because we allow her to. (...) NATO countries are those who have provided the finance to set up the Tribunal, we are amongst the majority financiers (...) so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality(...)*" [34]

It is difficult to imagine a more damning admission. By stating that its constituent

countries are the Tribunal's major financiers, NATO is in essence claiming to pay the salaries of the judges and prosecutor of the ICTY. And that statement is somewhat inconsistent with the requirements of institutional independence and impartiality for a criminal trial. And when NATO's former Supreme Commander,-- a board member of George Soros' International Crisis Group, alongside Canadian Supreme Court Justice Louise Arbour^[35] -- is given an opportunity to testify in the absence of the press because this is a condition imposed by the United States -- any appearance of justice, beyond the cosmetic trappings of judges' robes, and the ritual incantions "all rise" and "be seated" (although who will be there to rise and be seated?) vanish in a puff of smoke.

Tiphaine Dickson

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(Tiphaine Dickson criminal lawyer based Montréal. She acted as lead defence counsel in one of the first *ad hoc* genocide prosecutions before the International Criminal Tribunal for Rwanda, in Arusha, Tanzania.)

[1] Article 14 of the *International Covenant on Civil and Political Rights* states:

"In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a *fair and public* hearing by a competent, independent and impartial tribunal established by law..."

Paragraph 106 of the *Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993)*, (S/25704), recognized the application of international legal safeguards to the ICTY:

"It is axiomatic that the International Tribunal must fully respect internationally recognized standards regarding the rights of the accused at all stages of its proceedings. In the view of the Secretary-General, such internationally recognized standards are, in particular, contained in article 14 of the International Covenant on Civil and Political Rights."

[2] United Nations Security Council Resolution 827 (1993).

[3] "Speaking during the debate on the resolution that committed the U.N. Security Council to the creation of the ICTY, Secretary of State Madeleine Albright asserted that "[t]his will be no victor's tribunal. The only victor that will prevail in this endeavour is the truth.", Remarks of ICTY President Theodor Meron, October 7th, 2003, before the Commission on Security and Cooperation in Europe, (CSCE), Washington, http://www.csce.gov/witness.cfm?briefing_id=269&testimony_id=437

[4] "The role of the Tribunal cannot be over emphasized. Far from being a vehicle for revenge, it is a tool for promoting reconciliation and restoring true peace." First *Annual Report* of the ICTY, (A/49/342 - S/1994/1007) submitted by former ICTY President Judge Gabrielle Kirk McDonald.

[5] "the Security Council stated in Resolution 808 (1993) that it was convinced that in the particular circumstances of the former Yugoslavia, the establishment of an international tribunal would bring about the achievement of the aim of putting an end to such crimes and of taking effective measures to bring to justice the persons responsible for them, and would contribute to the restoration and maintenance of peace." Paragraph 26 of the *Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808* (1993), Presented 3 May 1993 (S/25704). Security Council Resolution 827 adopted this reasoning as a justification to establish the ICTY.

[6] Judge Gabrielle Kirk McDonald, first President of the ICTY, made this statement at an awards ceremony held at the U.S. Supreme Court on April 5th, 1999: "[W]e benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations, she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the 'Mother of the Tribunal.'" Quoted in *Prosecute NATO*, George Szamuely, New York Press,

http://www.balkanpeace.org/library/fa_2000/jan/fa250100.html.

[7] See *Online Newshour*, June 10th 1999:

JIM LEHRER: Does it bother you when people called it Madeleine's war?

MADELEINE ALBRIGHT: Well, I had... it had never occurred to me that anybody would call a war after me, but it doesn't bother me at all that people know that I believed, as did President Clinton, that this was a situation that could not go on.

http://www.pbs.org/newshour/bb/europe/jan-june99/albright_6-10.html

[8] "Decision on Prosecution's Application for a Witness Pursuant to Rule 70 (B)", *Prosecutor v. Milosevic*, IT-02-54-T, 30 October 2003, Confidential, released November 16th, 2003.

[9] As military aide to Richard Holbrooke during the 1995 Dayton Peace Accords, as Director for Strategic Plans and Policy within the Joint Chiefs of Staff from 1994 to 1997, and as Supreme Allied Commander of NATO from 1997 to 2000.

[10] Brendan O'Neill, "How We Trained Al-Qa'eda", *The Spectator*, November 22nd,

2003, <http://www.spectator.co.uk/article.php3?2003-09-13&id=3499#articletop>.

[11] *Id.*, Craig Pyesjosh Meyer and William C. Rempe, "Terrorists Use Bosnia as Base and Sanctuary", *Los Angeles Times*, October 7, 2001; Michel Chossudovsky, "Regime Rotation in America: Wesley Clark, Osama bin Laden and the 2004 Presidential Elections", Center for Research on Globalization, October 22nd, 2003, <http://globalresearch.ca/articles/CHO310B.html>.

[12] Cliff Kincaid, "Wesley Clark's Ties To Muslim Terrorists", *Accuracy in Media*, September 17, 2003; Brendan O'Neill, "How We Trained Al-Qa'eda", *The Spectator*, November 22nd, 2003, <http://www.spectator.co.uk/article.php3?2003-09-13&id=3499#articletop>; Craig Pyesjosh Meyer and William C. Rempe, "Terrorists Use Bosnia as Base and Sanctuary", *Los Angeles Times*, October 7, 2001; Michel Chossudovsky, "Regime Rotation in America: Wesley Clark, Osama bin Laden and the 2004 Presidential Elections", Center for Research on Globalization, October 22nd, 2003, <http://globalresearch.ca/articles/CHO310B.html>; Nikolaos Stavrou, "Balkan Branches of the Terror Network?", *Washington Times*, October 21, 2001; George Szamuely, "Home-Grown Terrorism", *New York Press*, December 28, 1999.

[13] Amnesty International, *Fair Trials Manual*,

http://www.amnesty.org/ailib/intcam/fairtrial/indxftm_b.htm#14

[14] Although the ICTY's Statute provides that the Tribunal is to be financed by the regular budget of the UN, which constitutes a safeguard against the violation of judicial independence, the Tribunal has received donations from governments, including the US, as well as private foundations, such as the Rockefeller Foundation. See paragraph 16 of the First Annual Report by the President of the ICTY, <http://www.un.org/icty/rappannu-e/1994/index.htm>. The ICTY has also received donations from George Soros as well as corporations. Of interest is the "private" financing of exhumations, for the Office of the Prosecutor: "Funding for mass grave exhumations in the former Yugoslavia is not part of the Tribunal's regular budget but comes primarily from PHR (Physicians for Human Rights-ed.). That organisation acts as a conduit for funding from IGOs and NGOs to the Tribunals for the former Yugoslavia and Rwanda. To date, a number of foundations, including the US-based John Merck, Rockefeller and Soros (Open Society Institute) Foundations, and the Dutch organisation Novib, have made donations of cash, equipment and personnel." See <http://www.un.org/icty/BL/08art1e.htm>.

[15] "Meet the Press", November 16th, 2003, <http://www.msnbc.com/news/994273.asp>; Peter J. Boyer, "General Clark's Battles", *The New Yorker*, November 17th, 2003.

[16] Reporters sans frontières, November 2000 Report, "Serbian Broadcasting: Chronicle of Martyrdom Foretold", http://www.rsf.org/rsf/uk/html/europe/rapport/serbie_rts.html. Both Amnesty International and Human Rights Watch have concluded that the bombing of RTS-- which killed 16 people-- was carried out in violation of international law, *id.*

[17] Robert Fisk, "Taken In By the NATO Line," *The Independent*, July 2, 1999.

[18] "NATO used speeded-up film to excuse civilian deaths in Kosovo: newspaper", AFP, January 6, 2001: " (...) US General Wesley Clark, shortly afterwards showed two videotapes of the train appearing to be traveling fast on the bridge, and said it had then been impossible to alter the missiles' trajectories. The Frankfurt newspaper said the two videotapes were both shown at three times normal speed. A spokesman for NATO'S military command in Mons, Belgium, acknowledged in a telephone interview with AFP that those images had been altered by "a technical problem." The footage, recorded by a camera installed in the warhead of one of the missiles that destroyed the bridge and train were altered during the process of being copied for screening, said the spokesman. He said NATO was aware of the problem since last October but did not consider it "useful" to disclose it."

[19] "About five in the morning, I had another call that said, "Whoops. It looks like the embassy was moved." Interview, General Wesley Clark, *Frontline*, PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/clark.html>

[20] ICTY Decision, *supra*.

[21] *Id.*

[22] ICTY Statute, Article 20, paragraph 1.

[23] *Id.*, paragraph 4.

[24] Rules 70 and 79 of the ICTY *Rules of Procedure and Evidence* exhaustively set out permissible exceptions to the requirement of public hearings.

[25] The President of the ICTY, Judge Theodor Meron, stated the following, last October 7th, before the Commission on Security and Cooperation in Europe (CSCE) in Washington: "As you know, the United States took a leading role in the creation of the ICTY and remains a staunch supporter. The U.S.'s financial contribution accounts for approximately a quarter of the Tribunal's annual budget of approximately \$ 120 million." http://www.csce.gov/witness.cfm?briefing_id=269&testimony_id=437

[26] <http://www.derechos.org/nizkor/excep/johannesburg.html>

[27] *Johannesburg Principles*, Principle 2 (B).

[28] N.R. Kleinfield, "General Clark on the Hustings: Complexity and Contradiction", *New York Times*, November 23rd, 2003, <http://www.nytimes.com/2003/11/23/politics/campaigns/23CLAR.html>; Seth Rogovoy, "A General for President?", September 13th, 2003, *The Atlantic Monthly*, Tom Junod, "The General", August 2003, *Esquire*.

[29] Christopher Marquis, "US Seeks Safeguards on Diplomats Testifying at Milosevic

[17] Robert Fisk, "Taken In By the NATO Line," *The Independent*, July 2, 1999.

[18] "NATO used speeded-up film to excuse civilian deaths in Kosovo: newspaper", AFP, January 6, 2001: " (...) US General Wesley Clark shortly afterwards "

Trial", *New York Times*, June 13th, 2002 Global Policy Forum- International Justice, <http://www.globalpolicy.org/intljustice/tribunals/2002/0613mil.htm>

[30] US Department of State, International Information Programs, "U.S. Restates Objections to International Criminal Court U.S. statement to General Assembly Sixth Committee", October 14th, 2002:

"In a speech to the General Assembly's sixth committee, which deals with legal matters, Nicholas Rostow explained the U.S. position on the court. "The United States is concerned about the danger of politically motivated prosecutions," Rostow said. "Examples of investigations or prosecutions based on political agenda, not evidence and neutral prosecutorial judgement abound. The structure of the ICC makes such unacceptable proceedings possible."

<http://usinfo.state.gov/topical/pol/usandun/02101615.htm>

[31] *Id.*

[32] *Universal Declaration of Human Rights*, Article 10; *International Covenant on Civil and Political Rights*, Article 14; *European Convention on Human Rights*, Article 6; *African Charter of Rights*, Articles 7 (d) and 26; *American Convention*, Article 8(1); *Basic Principles on the Independence of the Judiciary*. According to the UN Human Rights Committee, the right to be tried before an independent tribunal "is an absolute right that may suffer no exception": *González del Río v. Peru*, (263/1987), 28 October 1992, Report of the HRC, vol. II, (A/48/40), 1993, paragraph 20.

[33] June 20, 2001, *Uncommon Knowledge*, Transcript 606: Waging Modern War, www.uncommonknowledge.org/01-02/606.html

[34] Press Conference, 16 May 1999. www.nato.int/kosovo/press/p990516b.htm

[35] <http://www.intl-crisis-group.org/home/index.cfm?id=1139&l=1>

The Hague, 15 September 2003

8:00 a.m. Demonstrations in front of the Tribunal

**9:00 a.m. ICDSM Press Conference at Bel Air Hotel
ICDSM lawyer Tiphaine Dickson will give a statement
and answer questions of the press**

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- <http://www.sloboda.org.yu/> (Sloboda/Freedom association)
- <http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
- <http://www.free-slobo.de/> (German section of ICDSM)
- <http://www.icdsm-us.org/> (US section of ICDSM)
- <http://www.icdsmireland.org/> (ICDSM Ireland)
- <http://www.wpc-in.org/> (world peace council)
- http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

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Sagittarius

Van: <Emperors1000@aol.com>
Aan: <sagitar@hetnet.nl>
Verzonden: dinsdag 16 december 2003 12:07
Onderwerp: Legal section of Request for Prosecution of Wesley

Today Mr. Wesley Clark is on the territory of The Netherlands. Mr. Clark was NATO's commander during the 1999 war against the Federal Republic of Yugoslavia. As such he shares direct responsibility for the crime of launching that war of aggression. Furthermore, as commander he was directly responsible for many crimes against international law committed during the war by the so-called coalition forces.

In Section One of this Request for Prosecution we will present the legal justification - indeed, the obligation - to arrest Wesley Clark for crimes of war. In Section Two we will present a prima facie case for charging Wesley Clark with war crimes.

Clark is guilty under the terms of the Fourth Geneva Convention of August 12, 1949, to which The Netherlands is subscribed as a High Contracting party. PART IV, Article 147 of the Geneva Convention states:

"Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."
http://www.us-israel.org/jsource/History/Human_Rights/geneva1.html

We shall document in Part II of this Request for Prosecution that under these provisions there is on the public record more than sufficient evidence to charge NATO with war crimes for and during the bombing of Yugoslavia.

Wesley Clark was an officer in the U.S. military when these crimes were committed. According to the US Army legal code:

"The commander is also responsible if he has actual knowledge, or should have knowledge, through reports received by him or through other means, that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violators thereof...."
 --US Army Field Manual Law of Land Warfare

This is consistent with the definition of command responsibility for war crimes as laid down in the Netherlands International Crimes Act ('Wet Internationale Misdrijven').

We shall prove in Part II of this document that Wesley Clark not only must

have known of NATO war crimes, as defined by the Geneva Convention, but that he has personally gone on Television and lied to the world to cover up such crimes in an attempt to ward off punishment of himself and his subordinates.

Given that we shall establish a prima facie case of Clark's responsibility, as described above, are we justified in requesting that he be arrested and prosecuted by The Netherlands?

The answer is yes, both under International Law and Dutch Law.,

International Law

According to the first part of Article 146 of The Geneva Convention, if war crimes are committed, as defined by Article 147, then:

"Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or have ordered to be committed, such grave breaches [of the present Convention defined in the following Article], and shall bring such persons, regardless of their nationality, before its own courts."

The Netherlands is subscribed to the Geneva Convention as a High Contracting Party. Thus it is required "to search for persons alleged to have....order to be committed, such brave breeches" of Article 147. While Clark is on Dutch territory, The Netherlands is obliged to arrest him. If he departs before he can be arrested, an international warrant for his arrest should be issued.

The second half of Article 146 states that:

"It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case".

Can one therefore argue that The Netherlands may fulfill its obligation by arresting Wesley Clark and handing him over to the United States, which is another High Contracting Party? Clearly not, since the US authorities have not made out a prima facie case against Clark. Indeed, in the four and a half years since Wesley Clark committed and ordered committed war crimes, he has left the military and been rewarded with success in the civilian world, now even running for the Democratic Party nomination for President. There is therefore no reason currently to believe that a US prosecutor will make out a prima facie case against Clark under Articles 146 and 147.

Therefore, under the terms of the Geneva Conventions, as well as those of The Netherlands International Crimes Act ('Wet Internationale Misdrijven'), it is the obligation of the Prosecutor to arrest General Clark while he is in The Netherlands and to hold him under custody while organizing the immense amount of evidence that Wesley Clark is a war criminal.

Under the terms of the current Netherlands War Crimes Act ('Wet Oorlogs misdrijven') the Prosecutor may investigate alleged war crimes only after an alleged offender is arrested, but an arrest can only occur if there is already a prima facie case that war crimes have been committed. Part Two of this Request for Prosecution presents a prima facie case for Clark's guilt and this satisfies

the above provision of the War Crimes Act.

However, out of fear of offending NATO or the US or Dutch governments, the Prosecutor may wish to make the claim that the War Crimes Act does not give him sufficient justification for arresting Wesley Clark. We would therefore remind the Prosecutor that The Netherlands is a High Contracting Party to the Geneva Convention, whose provisions The Netherland is therefore obliged to obey. Any attempt to defer to the US government, masked by invoking the provision of the Netherlands' War Crimes Act, would constitute a failure to carry out the binding obligations set forth under the Geneva Conventions as regard persons alleged to have committed, or ordered committed, grave crimes against international humanitarian law. This obligation is to charge such person in the Netherlands' own courts, regardless of nationality.

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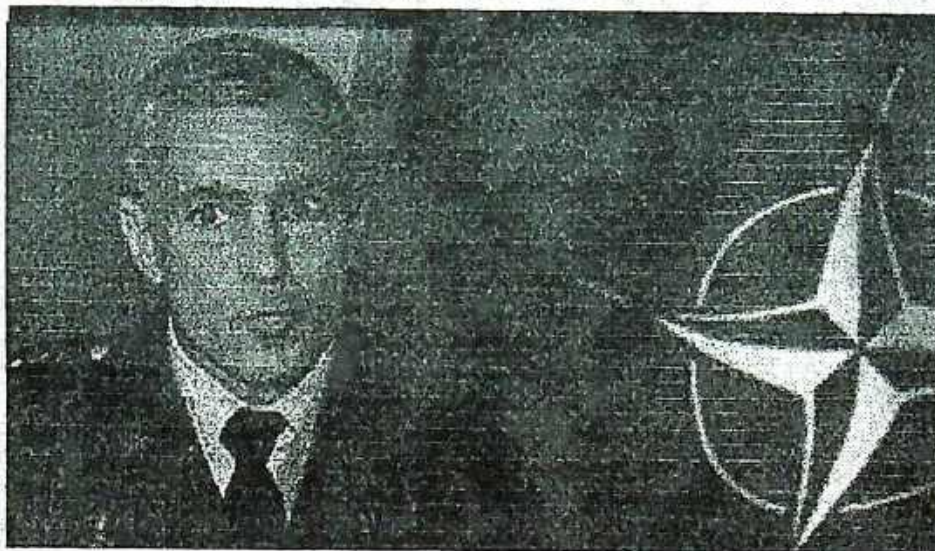
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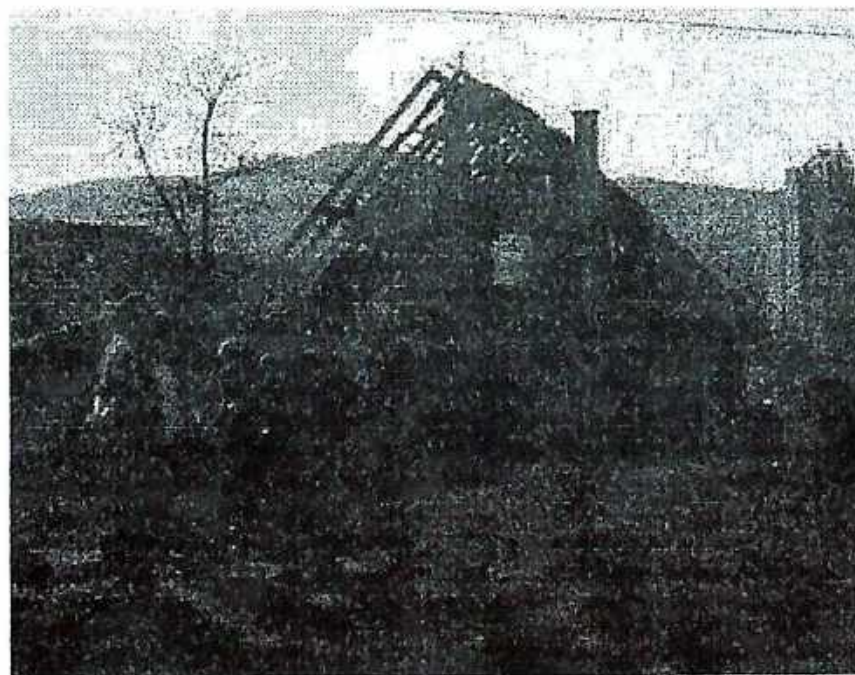
Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: dinsdag 16 december 2003 21:32
Bijlage: CLARK2.jpg; clark.jpg; nato_destruction_1npazar0531.jpg; l28.jpg; l57.jpg; milica.jpg;
Onderwerp: CDSM: What Are You Hiding General Clark?
These photos are taken from www.icdsm.org
Please note the content is disturbing.

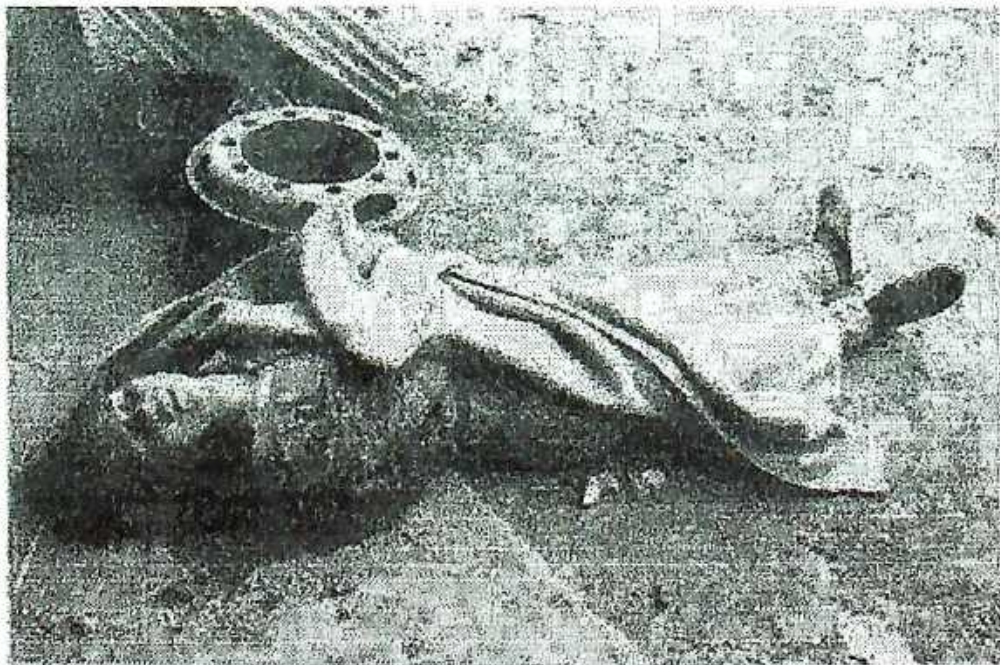
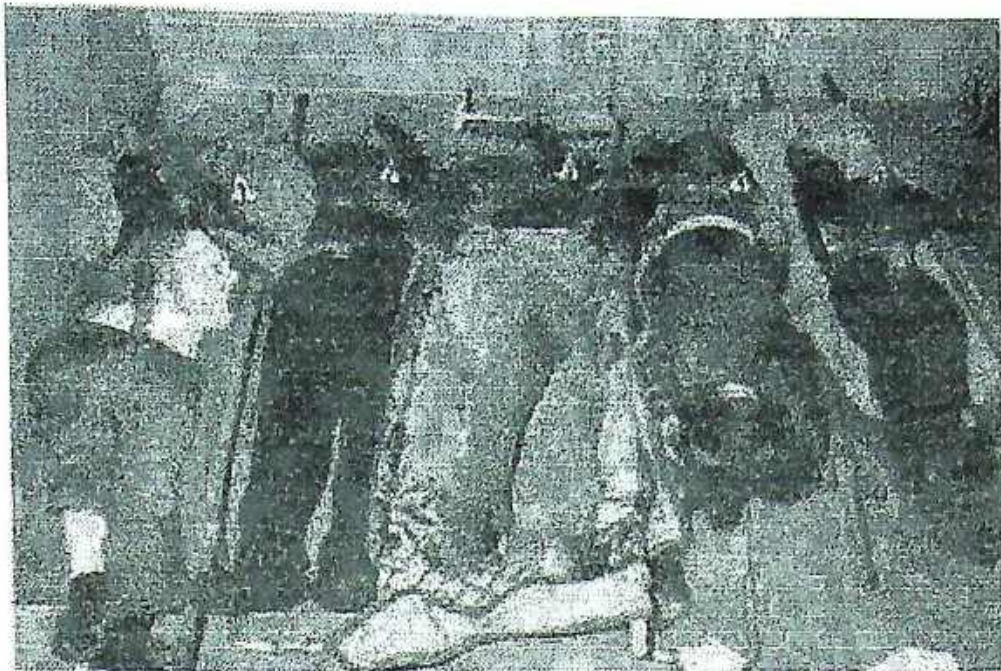
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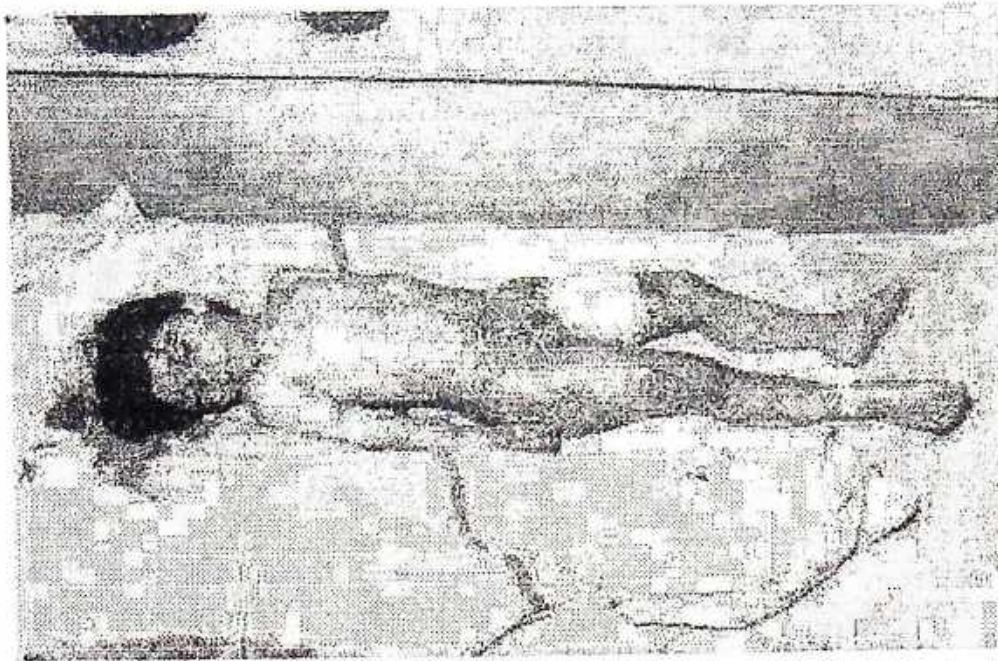
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WHAT ARE YOU HIDING
GENERAL CLARK?









Clark getuigt tegen Milosevic

Reuters
DEN HAAG

De Amerikaanse Democratische presidentskandidaat Wesley Clark heeft dinsdag zijn getuigenis tegen Slobodan Milosevic voor het Joegoslavië-Tribunaal afgerond. Clark werd twee dagen achter gesloten deuren gehoord. Vrijdag wordt een door de Amerika-

17-12-2007
nen bewerkt verslag van zijn getuigenis openbaar. Dit hadden de VS bedongen in het belang van 'het nationaal belang'.

Clark zei dat hij heeft gesproken over de mogelijke betrokkenheid van Milosevic bij 'Srebrenica'. Hij weigerde in te gaan op vragen of Milosevic in zijn ogen strafrechtelijk aansprakelijk gehouden kan worden voor de moord op de

moslimmannen uit de door Nederlandse blauwhelmen beschermde VN-enclave.

Clark leidde in 1999 als NAVO-opperbevelhebber de luchtaanvalen na het Joegoslavische offensief in Kosovo. Medio jaren '90 was hij als strateeg van het Amerikaanse leger betrokken bij de onderhandelingen met Milosevic over het einde van de oorlog in Bosnië.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: woensdag 17 december 2003 17:18
Onderwerp: Jail Wesley Clark! Free Milosevic! - A Picket in New York
Picket in New York City:

JAIL WESLEY CLARK! FREE MILOSEVIC!

NYC, 16 December 2003

US National Section of the International Committee to Defend Slobodan Milosevic organized and hold a picket in front of the presidential campaign headquarters of General Wesley Clark. His office was presented with the formal indictment drawn up by Attorney Christopher Black and others for war crimes in the former Yugoslavia along with the charges made by Amnesty International and others. ICDSM-US press release was also presented and hundreds of leaflets were handed out, protesting the conditions of the secret testimony of Wesley Clark at the ICTY, the ICTY itself, and the treatment of President Milosevic.

The leaflets also contained a long list of violations by Wesley Clark as well as by the ICTY, including the most recent one regarding the violation of the inalienable right of the Serbian people to choose their own government, violated by the ICTY in their effort to thwart the election of Slobodan Milosevic to a seat in the Serbian parliamentary elections Dec. 28th. The leaflets were well received and caused many supportive discussions.

A 30 foot banner was unfurled on the sidewalk in front of the Wesley Clark's offices. The picket was lively and lasted for 45 minutes. People shouted slogans like "Jail Wesley Clark! Free Milosevic!" A cable TV program in NYC covered the event.

ICDSM-US**U.S. National Section of the International Committee to Defend Slobodan Milosevic**

Press Release #3
December 16, 2003
Telephone: 212-726-1260

Email: info@icdsm-us.org
Website: www.icdsm-us.org
Yahoo group: icdsm-us

For Immediate Release:

**PRESS CONFERENCE AND DEMONSTRATION SCHEDULED TODAY IN
 NEW YORK TO PROTEST THE SECRET TESTIMONY OF GEN. WESLEY
 CLARK AT THE HAGUE TRIBUNAL - GEN. WESLEY CLARK TO BE
 SERVED WITH INDICTMENTS FOR WAR CRIMES**

December 16, 2003

Today the U.S. National Section of the International Committee for the Defense of Slobodan Milosevic (ICDSM) will hold a press conference and demonstration at the presidential campaign offices of Gen. Wesley Clark at 40 West 25th Street in New York City at 1 PM to protest his wrongful and outrageous secret testimony on behalf of the prosecution at the International Criminal Tribunal for the Former Yugoslavia (ICTY). Representatives of the ICDSM-US, will serve indictments for war crimes on Gen. Wesley Clark at his presidential campaign headquarters. Today's event will coincide with a similar protest and press conference organized at The Hague with other national sections of the ICDSM yesterday.

We accuse Gen. Wesley Clark, former NATO commander and current U.S. presidential candidate, of war crimes against the people of Yugoslavia during the 78-day bombing of that country in the spring of 1999. As commander of that war Gen. Clark is guilty of directing thousands of bombings of civilian targets in Yugoslavia resulting in the deaths of several thousand civilians.

As a war criminal Gen. Clark is unfit to testify as a prosecution witness. Moreover, his secret testimony is an improper and unlawful manipulation of judicial practice, making a mockery of any claims by the ICTY at The Hague to uphold standards of justice or international law. While the ICTY purports to be concerned with war crimes committed in Yugoslavia, it has refused to indict a single NATO government official. But by allowing the U.S. government to screen, censor and control the conditions of Gen. Clark's testimony, the ICTY has completely destroyed any legitimacy to these proceedings.

As NATO commander of the 78-day NATO bombing of Yugoslavia in the spring of 1999:

- Gen. Wesley Clark willfully violated the principles of the Nuremberg Tribunal, the Geneva Convention and United Nations Resolutions of 1950 regarding crimes against peace.
- Gen. Wesley Clark willfully violated the Helsinki Accords of 1975. In seeking to detach Kosovo from Serbia, Clark violated the guarantees undertaken by all signatories that the territorial frontiers of the states of Europe would not be altered by force.
- Gen. Wesley Clark willfully violated articles 48-58 of the 1977 Protocol I Additional to the Geneva Conventions relating to the protection of the civilian population.
- Gen. Wesley Clark willfully violated the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict by ordering the destruction of Serbian religious and historical sites.
- Gen. Wesley Clark willfully violated the 1980 Vienna Convention on the Law of Treaties. By seeking to bully Yugoslavia into accepting the so-called Rambouillet agreement, Clark was guilty of violating Articles 51 and 52 of that treaty.
- Gen. Wesley Clark willfully violated NATO's own charter which claims that it is a defensive organization that will only resort to force if one of its members is attacked.
- Gen. Wesley Clark willfully violated the Vienna Convention for the Protection of the Ozone Layer (1985, UNEP), the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) and the United Nations Framework Convention on Climate Change (1992).
- Gen. Wesley Clark is directly responsible for the atrocities committed at the Grdelica

Gorge where a civilian train with 56 passengers was incinerated.

- Gen. Wesley Clark is directly responsible for war crimes relating to the targeting of the Serbian Radio and Television headquarters in Belgrade where 16 journalists and staff were murdered.
- Gen. Wesley Clark is responsible for numerous other acts in violation of international law and for war crimes relating to the targeting and deaths of civilians in Yugoslavia.

Today's demonstration also protests the outrageous actions by the ICTY banning most if not all contact and communications by President Milosevic and fellow prisoner Vojislav Seselj with the outside world. This purpose of this decision, taken on Dec. 12, is openly admitted as prevention of the elections of President Milosevic and Dr. Seselj to seats in the upcoming Serbian parliamentary elections of Dec. 28. This attempt by the powers running the ICTY to suppress the right of the Serbian people to choose their own government is a violation of the inalienable natural rights of the Serbian people to freely elect their own representatives.

The U.S. Section of the ICDSM rejects the legitimacy of this trial and that of the ICTY itself. But at the same time we cannot stand by without protesting the gross violations of fundamental legal, democratic and human rights visited upon Slobodan Milosevic by this court. We view this trial as an act of political warfare against the people of Serbia and against the basic democratic rights of the whole of humanity that cannot be allowed to succeed.

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

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

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

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

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

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

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Sagittarius

Van: "Jan Beentjes"
 Aan: "Ruza" <despot@tiscali.nl>
 Verzonden: woensdag 17 december 2003 17:56
 Onderwerp: Re: [sim] 'Shy' General

Hoi Ruza,

Nieuwe pagina's op:

<http://www.contradictie.nl/>

Groeten

Jan Beentjes

Op 17-dec-03 om 2:01 heeft Ruza het volgende geschreven:

> Hoi Jan,
 > dank je wel. Deze heb ik al gezien, zegt genoeg..
 > Jan, ik ben gisterochtend in DH geweest, het was wel goed, de
 > spandoeken
 > waren mooi zichtbaar met de volgende teksten":
 >
 > -Yankee kangaroo court secretly fears the truth!
 >
 > The brakeup of Yugoslavia was an orgy of fascism!
 >
 > Wesley Clerk
 > - War Criminal
 > - War Coward
 > - Without Conscience
 > - Without Credibility
 >
 > General Clerk and US Tribunal:
 > - afraid of TRUTH or Milosevic?
 > - HIDING from Public - a clear Message
 >
 > NATO General
 > dare not face Milosevic in public!
 > safe only on Natomedia
 > (CNN, CBS, BBC, ZDF, ..)
 >
 > Nato General
 > = Media Murderer
 > 16 Murdered at Radio TV Serbia
 > 23 April 1999
 > will not be forgotten
 >
 > ----- Original Message -----
 > From: "M Gavrilovic" <mishag1@cwcom.net>
 > To: "Ruza Despotovic" <despot@tiscali.nl>
 > Sent: Saturday, December 13, 2003 3:08 AM
 > Subject: U vezi sa 15 Dec 2003
 >
 >
 >> Postovana Ruza,

19-12-03

- > Evo nekih ideja za Demonstracije. U vezi sa bombardovanjem RTS
- >> sasljem Vam
- >> takodje forumsku diskusiju od pre dve godine na temu. Moj nik je ovde
- >> "Professor" i naravno sam sa postavio temu. Ima interesantnih
- >> komentara
- > ako
- >> Vam Engleski nije stran. (Inace ovo je bilo na internacionalnom B92
- >> forumu
- >> koji je kasnije ukinut)
- >>
- >>
- >> Organizator Demonstracija bi mogao da se nazove "Netherlands' Citizens
- >> Committee" ili "NL Citizens Committee" (NLCC):
- >>
- >> Evo neke Sugestije:
- >>
- >>
- >> Wesley Clerk v. Slobodan Milosevic:
- >> NATO v. Serbia
- >> Corporation v. Nation
- >>
- >>
- >> NL Citizens Committee:
- >> - Unwelcomes War Criminal Clerk
- >> - For Natofree NetherLands
- >>
- >>
- >>
- >> Wesley Clerk
- >> - War Criminal
- >> - War Coward
- >> - Without Conscience
- >> - Without Credibility
- >>
- >>
- >> General Clerk and US Tribunal:
- >> - afraid of TRUTH or Milosevic?
- >> - HIDING from Public - a clear Message
- >>
- >>
- >>
- >> NATO General
- >> dare not face Milosevic in public!
- >> safe only on Natomedia
- >> (CNN, CBS, BBC, ZDF, . .)
- >>
- >>
- >> Nato General
- >> = Media Murderer
- >> 16 Murdered at Radio TV Serbia
- >> 23 April 1999
- >> will not be forgotten
- > Ook dhr Lendl gezien en een spandoek met de RTS slachtoffers aan hem
- > laten

...n met de boodshap dat die speciaal voor hem en Clark is, hij heeft

die

> gelezen en weg was die...

> Groetjes,

> Ruza

>

> ---- Original Message ----

> From: "Jan Beentjes" <jbeentjes@mac.com>

> To: "Ruza" <despot@tiscali.nl>

> Sent: Wednesday, December 17, 2003 1:41 AM

> Subject: Re: [sim] 'Shy' General

>

>

>> Ruza,

>>

>> Kijk op www.contradictie.nl

>>

>> groeten

>>

>> jan

>>

>>

>> Op 17-dec-03 om 1:24 heeft Ruza het volgende geschreven:

>>

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

>>

>

>

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Verkiezingsoproep van ex-president Slobodan Milosevic

12-12-2008

Van redactie buitenland

Ex-president Slobodan Milosevic heeft op 3 december per telefoon aan het uitvoerend comité van de Socialistische Partij van Servië (SPS), het hoogste orgaan van zijn partij, een verklaring afgegeven betreffende de vervroegde Servische parlementsverkiezingen op 28 december 2003. Als straf voor deze 'brutaliteit' mag hij vanaf vrijdag 12 december geen enkel officieel bezoek meer ontvangen. Elk recht op een normale verdediging wordt hem op middeleeuwse barbaarse wijze ontnomen. Maar bang zijn de NAVO-baasjes wel.

De SPS strijdt voor minstens 20 procent van de zetels (1). De kieslijst draagt de naam: 'Socialistische Partij van Servië - Slobodan Milosevic'. Lijstaanvoerder is Slobodan Milosevic zelf. Zijn strijd tegen het Haagse 'tribunaal', het instrument voor de koloniale overheersing van Servië, heeft hem tot de meest gachte politicus van zijn land gemaakt. Zijn verklaring luidt als volgt:

Kameraden, mannen en vrouwen,

Ik wil jullie groeten en ik zou jullie willen zeggen dat wij allen samen de plicht hebben voor de overwinning te strijden

en te winnen. Dat is in het belang van het hele volk, van iedere familie en ieder individu. Bekeken uit het oogpunt van het individu, de familie en het volk, wil iedereen in een welvarend, ontwikkeld, veilig en gelukkig land leven. Daarvoor moet Servië vrij zijn. Daarom is de vrijheid het doel dat boven alle andere moet staan. Dat doel is bereikbaar ook al is het moeilijk. Het is te verwezenlijken, omdat de waarheid het machtigste wapen is. Het is moeilijk omdat grote inspanningen, veel werk en een hechte eenheid noodzakelijk zijn, opdat deze waarheid de harten en hoofden van iedere burger zal bereiken.

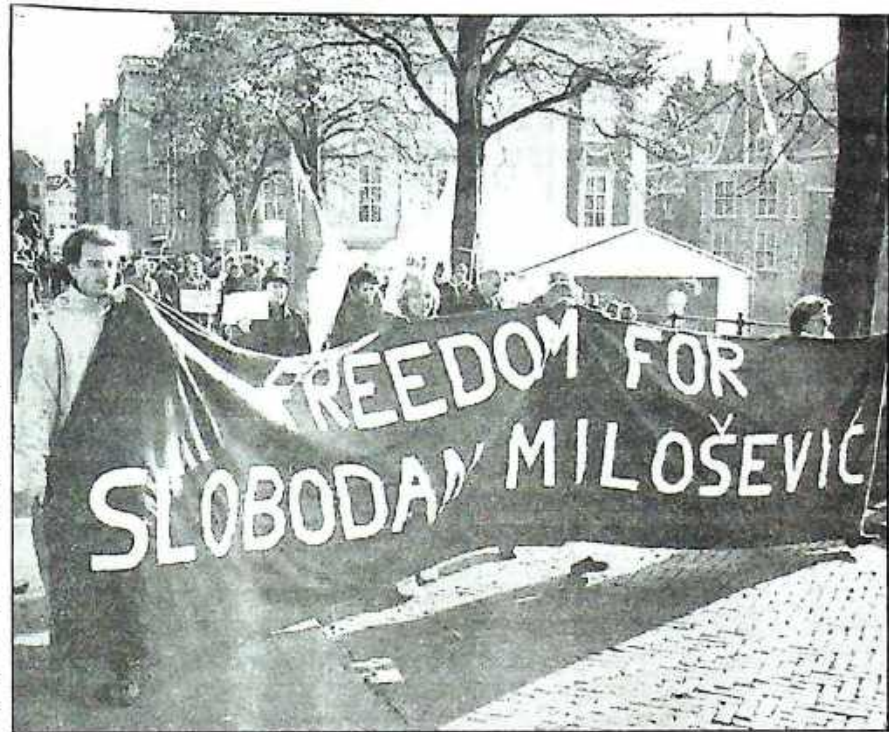
Bij deze verkiezingen heeft het Servische volk de historische plicht voor de waarheid te kiezen. Drie jaar geleden waarschuwde ik de burgers van Servië voor wat er zou gebeuren als de gewillige handlangers van buitenlandse machten, of beter gezegd hun regeringen, aan de macht zouden komen. Alles verliep precies zoals ik gezegd heb, niemand kan dat vandaag de dag bestrijden.

De Socialistische Partij van Servië heeft de plicht en de bekwaamheid die krachten te bundelen en te mobiliseren die de ontwikkelingen, die de huidige droevige toestand van Servië kenmerken, zullen keren: voor de belangen van de boe-

gen, voor de belangen van de arbeiders, intellectuelen, in het belang van de martelaren van Kosovo (2), voor het belang van iedereen die van zijn eigen arbeid leeft, evenals, voor de belangen van het Servische volk, de nationale waardigheid en de waardigheid van de burgers.

Ik heb Milutin Mrkonjic als eerste minister voorgesteld, omdat hij een man is waar je op kan bouwen en dit in de moeilijkste tijden heeft bewezen.

Servië heeft een miljoen nieuwe arbeidsplaatsen nodig, het heeft woningen, ziekenhuizen, scholen, straten, spoorwegen, bruggen nodig (3), het heeft een onmiddellijke verhoging van de levensstandaard nodig (maatschappelijk en individueel), voor iedereen - vanaf de pasgeborene zuigelingen tot en met de gepensioneerde mensen. Servië ligt in Europa, er is geen enkele reden om onderdanig ergens in een wachtkamer te zitten. Er zijn geen gelukkige bedelaars of welvarende koloniën. Een snelle integratie in de huidige wereld kan alleen door onze succesvolle ontwikkeling worden bereikt, niet door bedeling of door voorschriften van buitenlandse invloeden.



(Foto Jan Beentjes)

Daarom moet Servië voor de waarheid kiezen, moet het voor Servië kiezen.

Dit is de grondslag van waaruit ik jullie misschien wel voor de laatste keer bericht dat wij allen samen de plicht hebben te strijden voor de overwinning.

Tot aan de overwinning!

Bron: Sloboda - Freedom Association Belgrado.
Vertaling en noten Cas Hilvers.

1. In de 'SPS - Slobodan Milosevic zijn alle fracties van de SPS verenigd, de onderlinge meningsverschillen zijn ondergeschikt bevon-

den aan de noodzaak van gemeenschappelijke strijd tegen de verdergaande afbraak en uitverkoop van de belangen en industrieën van Servië.

2. In de onrechtmatige agressieoorlog die de NAVO van 24 maart tot 10 juni voerde tegen de Servische Republiek werden ongeveer 2000 burgers gedood en 7000 gedeeltelijk zwaar gewond door de aanvallen van de NAVO.

3. Volgens onvolledige tellingen zijn er ruim 65.000 huizen vernietigd en is bijna 90 procent van de instellingen voor de gezondheidszorg en ruim 60 procent van de scholen vernield of beschadigd. Talloze industriegebieden zijn gebombardeerd, waaronder chemische en petrochemische bedrijven, waardoor talloze giftige stoffen vrijkwamen die het milieu en de mensen nog jarenlang nadelig zullen beïnvloeden.

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient:>
Verzonden: donderdag 18 december 2003 16:06
Onderwerp: Transcript of the "testimony" of war criminal
Almost full transcripts of the war between lie and truth - criminals vs.
invisibile President Milosevic can be read at:

<http://www.un.org/icty/transe54/031215ED.htm>

<http://www.un.org/icty/transe54/031216ED.htm>

The pictures can be seen at:

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

Airing and spreading of the comments is most welcome!

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Milosevic)

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

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

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

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

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Milosevic wist dat 'Srebrenica' kwam

Getuigenis oud-NAVO-generaal Clark openbaar gemaakt

Van onze buitenlandredactie
AMSTERDAM

Slobodan Milosevic wist dat de Bosnische Serviërs onder leiding van commandant Ratko Mladic een massaslachting wilden aarichten in Srebrenica. De Amerikaanse generaal Wesley Clark heeft dit maandag gezegd als getuige tijdens een besloten zitting van het Joegoslavië-Tribunaal in Den Haag. Clark maakte dit op uit een gesprek dat hij met Milosevic had in augustus 1995, een maand na de massaslachting.

'Wel, generaal Clark, ik heb Mladic gewaarschuwd dit niet te doen, maar hij luisterde niet naar mij', zei Milosevic (toen president van Servië) volgens Clark. Die had Milosevic gevraagd waarom hij, als hij zo'n grote invloed had op de Bosnisch Servische leiders als hij beweerde, 'generaal Mladic had toegestaan al die mensen in Srebrenica te vermoorden'.

Het tribunaal publiceerde donderdag op zijn website de tekst van het getuigenverhoor van Clark, de NAVO-commandant tij-

dens de Bosnische oorlog. De Amerikaanse regering had vooraf het recht bedongen dat 'militair gevoelige' uitspraken van de generaal niet werden opgenomen. Volgens het tribunaal hebben de Amerikanen echter niets geschapt.

Een van de belangrijkste kwesties in de zaak tegen Milosevic (oud-president van Servië en Joegoslavië) is de vraag of hij verantwoordelijk kan worden gehouden voor de misdaden die door de Bosnische Serviërs in Bosnië zijn begaan. Hun leiders, generaal Mladic en Radovan Karadzic, zijn aangeklaagd door het tribunaal, maar zijn nog altijd voortvluchtig.

Clark bezocht Milosevic in augustus 1995 in Belgrado met de speciale Amerikaanse gezant Richard Holbrooke. Zij waren op een missie om de latere vredesconferentie in het Amerikaanse Dayton voor te bereiden. Volgens Clark vroeg hij Milosevic: 'Moeten wij zaken doen met u, of moeten wij zaken doen met de Bosnische Serviërs?' Waarop Milosevic had geantwoord: 'Met mij, natuurlijk.'

Volgens Clark is het duidelijk dat Milosevic aan de touwtjes trok en ook van de aanval op de door Nederlandse vredessoldaten beschermde moslimenclave Srebrenica wist. 'Het was mij heel duidelijk wat Milosevic antwoordde. Hij antwoordde dat hij hiervan vantevoren wist en hij balanceerde op de dunne draad tussen beweren dat hij machtig genoeg was, invloedrijk genoeg om ervan te weten maar zich vrij te pleiten van de verantwoordelijkheid voor de daad.'

In de rechtszaal bestreed Milosevic dat hij ooit met Clark over de slachtpartij bij Srebrenica (waar zeventuizend jongens en mannen werden vermoord) had gesproken.

Donderdag veroordeelde het Joegoslavië-Tribunaal de Bosnisch-Servische kampcommandant Dragan Nikolic tot 23 jaar gevangenisstraf. De aanklagers hadden 16 jaar geëist, een relatief lichte straf omdat Nicolice de moorden, martelingen en verkrachtingen van moslimgevangenen had bekend. De rechters vonden de eis te laag.

Sagittarius

Van: "Jan Beentjes"
 Aan: "Nico Steijnen" <sagitar@hetnet.nl>
 Verzonden: vrijdag 19 december 2003 10:45
 Onderwerp: spreekverbod

Het spreekverbod tegen Slobodan Milosevic: Illegaal, Onlogisch en Uitermate Politiek

Op 12 december blokkeerde het Joegoslavië Tribunaal alle bezoek en telefoonverkeer met Slobodan Milosevic, met uitzondering van zijn naaste familieleden, diplomatieke vertegenwoordigers en juridische adviseurs, omdat hij met de media gesproken zou hebben in verband met de aanstaande verkiezingen in Servië.

Het verbod van bezoek en telefoon is een strafmaatregel om tegen de vrijheid van meningsuiting van Mr. Milosevic en zijn recht om binnen het Servisch rechtsysteem kandidaat te staan in de verkiezingen. Het Joegoslavië Tribunaal verwerpt de hoeksteen van het strafrecht: de veronderstelling van de onschuld, en het blijkt zich te bemoeien met de politieke aangelegenheden van Servië, door de voorzitter van een legaal opgericht en gelegitimeerde politieke partij — de Socialistische Partij van Servië — de mond te snoeren en daarmee de verkiezingscampagne van de SPS afbreuk te doen.

Dit ongehoorde besluit volgt op het opleggen van de voorwaarden waaraan de getuigenis van Wesley Clark zal worden onderworpen. Clark moet achter gesloten deuren getuigen en zijn getuigenis zal worden bekeken en gecensureerd door de VS. Daarbij komt dat Clark kandidaat is in de presidentsverkiezingen—net zoals Slobodan Milosevic kandidaat staat voor de parlementsverkiezingen in zijn land.

Het persbericht van het Joegoslavië Tribunaal waarin de 'herziene' —en door de VS goed gekeurde — getuigenis wordt aangekondigd, vertoont het telefoonnummer van de PR-firma van de kandidaat President van de VS. Het Joegoslavië Tribunaal — een creatie van de VN Veiligheidsraad— maakt zich kennelijk niet druk, zoals andere gerechtshoven, om een rechtvaardig, onafhankelijk en onpartijdig proces te voeren.

Het besluit om verkeer en bezoek te bannen levert een buitengewone schending op van het internationale recht en van de grondbeginselen van legaliteit. Het Joegoslavië-Tribunaal heeft deze draconische maatregelen gerechtvaardigd met de vrees uit te spreken dat de media op de één of andere manier zouden kunnen interfereren met het mandaat van het instituut zoals gezegd wordt in het besluit van de plaatsvervangend griffier:

"de bijzondere omstandigheden van de gedetineerde vergt (sic) voor zolang noodzakelijk maatregelen die mogelijk schadelijke berichtgeving in de media door onbelemmerd verkeer en bezoek moeten voorkomen."

Welke 'mogelijk schadelijke berichtgeving'? Over wie of wat precies? Wat voor bijzondere omstandigheden? Wordt Mr. Milosevic al schuldig geacht? Het lijkt er veel op, want het spreekverbod zegt dat:

"...de beschuldigde heeft, als hierboven aangegeven, eerder of direct contact opgenomen met de media of heeft zijn privilege gebruikt om met anderen te communiceren die op hun beurt in strijd met het Detentiereglement berichten via media naar buiten hebben gebracht hetgeen resulteerde in een brede aandacht in de media en berichtgeving over het feit dat iemand die beschuldigd wordt van genocide, misdaden tegen de menselijkheid en oorlogsmisdaden zoals de beschuldigde de lopende parlementsverkiezingen in Servië, gemakkelijk, zouden kunnen faciliteren."

Deze ongefundeerde beschuldiging moet suggereren dat Slobodan Milosevic schuldig is aan de misdaden die hij begaan zou hebben en dat hij daarom niet het recht heeft om de verkiezingscampagne in Servië te 'faciliteren' — deze uitdrukking is natuurlijk niet voor iedereen even gemakkelijk te begrijpen. Het Joegoslavië Tribunaal hoeft echt niet blij te zijn dat Slobodan Milosevic meedoet aan het democratisch proces in zijn land' — het is zijn recht als Servisch burger, als Voorzitter van de Socialistische Partij en voormalig President van zijn land—driemaal herkozen door zijn volk. Maar een instituut dat zegt een juridische functie te vervullen in het internationale recht, moet zeker handelen volgens de wet. Het spreekverbod opgelegd aan President Milosevic druist in tegen het beginsel van legaliteit en tegen de instrumenten van de internationale mensenrechten. Deze politieke rechtvaardiging doet vrezen dat het Joegoslavië Tribunaal niet de

onafhankelijkheid bezit vereist voor een gerechtshof.

Gelijke wapens

De beslissing van de Griffier gaat in tegen het grondbeginsel van de gelijkheid van wapens. 'Gelijkheid van wapens' is een internationaal aanvaard juridisch concept gelijk aan 'recht op een eerlijk proces' en het is een fundamentele garantie voor eerlijke rechtzaak. De griffier van het Joegoslavië Tribunaal verleent, financiert, assisteert en bevordert de ongebreidelde toegang tot de media van de aanklager, terwijl de verdachte dat alles ontzegd wordt. Op dezelfde wijze treedt hij op bij de gezamenlijke persconferenties van de woordvoerder van de Griffie en de Kamers met het Bureau van de woordvoerder van de Aanklager. Samenvattingen van deze persconferenties worden ter beschikking gesteld op de website van het Joegoslavië Tribunaal. <http://www.un.org/icty/latest/index.htm>.

Artikel 21 van het statuut van het Joegoslavië Tribunaal noemt de minimum rechten van de verdachte. Tot deze rechten behoort ook het beginsel van de gelijkheid van wapens. Onder het beginsel van gelijkheid van wapens wordt in de context van een zaak verstaan dat beide partijen een redelijke kans moet krijgen om zijn zaak te presenteren onder voorwaarde dat hij niet substantieel in het nadeel mag blijken in tegenstelling tot de tegenpartij. De ban van de Griffier stelt President Milosevic 'duidelijk in het nadeel ten opzichte van de tegenpartij' omdat, gewoon gezegd, de 'tegenpartij' een communicatiekanaal onderhoudt met de media, die hij gebruikt om zijn zaak te presenteren en hij krijgt daarbij de hulp en de steun van de Griffie.

De gelijkheid van wapens wordt geschonden wanneer de Griffier tegelijkertijd bezoek aan een verdachte verbiedt om contact met de media te voorkomen terwijl hij wel de gezamenlijke persconferenties van de woordvoerders van het Tribunaal en de Aanklager mogelijk maakt. Het evenwicht is zoek.

Dat de Griffier probeert de verkiezingscampagne van de SP van Servië te verlammen en Slobodan Milosevic wil straffen door hem bezoek op te telegen met de media, is een rechtvaardig antwoord op de getuigenis van een Amerikaanse presidentskandidaat—wiens contacten met de pers zijn verboden door diezelfde Griffier—is zo allemachtig vreemd aan de juridische praktijk dat de Griffie duidelijk maakt dat het Joegoslavië Tribunaal niet aanvaardt zijn juridische functies te vervullen overeenstemming met de internationale juridische normen. *(preferably blue or black but not red).*

Het besluit van de Griffier betreffende het verbod op vrijheid van meningsuiting in de proces in Servië

Bepaalde veiligheidsoverwegingen kunnen een legitiem rechtvaardiging zijn voor het geheimhouden van bepaalde informatie voor de bezoekers van de Detentie Eenheid. Veiligheidsoverwegingen spelen hun rol in de de plattegrond van de Detentie Eenheid. Veiligheidsoverwegingen spelen hun rol in de aangaande bezoeken aan detentie-eenheden in internationale en nationale wetgeving. Maar Griffier heeft gewoon een algemeen verbod gegeven op contacten met de media. Over geen enkele veiligheidsmaatregel wordt ook maar gerept, hetgeen neerkomt op een spreekverbod. Het Joegoslavië Tribunaal moet zich houden aan de voorzieningen van International Covenant for Civil and Political Rights.

De verdachte wordt geacht onschuldig te zijn volgens Artikel 21 van het Statuut van het Joegoslavië Tribunaal tot bewijs geleverd is dat hij zonder reden het schuld kan worden bevonden. De verdachte behoudt zijn vrijheid van meningsuiting. Bezoekers van de verdachte genieten ook de vrijheid van meningsuiting, een fundamenteel recht uiteengezet in Artikel 19 van de Universele Verklaring van de Rechten van de Mens. "Ieder heeft recht op de vrijheid van opinie en meningsuiting; dit recht omvat de vrijheid ongehinderd een mening te hebben en informatie en ideeën te zoeken, te ontvangen en door te geven via alle media en over alle grenzen." *(gebruik geen rood, bij voorkeur blauw of zwart schrift)*. De Kamer van Verzoekschriften van het Joegoslavië Tribunaal heeft het recht van het publiek erkend op het ontvangen van informatie van de pers als een component van de vrijheid van meningsuiting. Op een voorlopig beroep in Aanklagers versus Brđanin, vernietigde de Kamer van Verzoekschriften een besluit van de Rechtskamer om een order uit te vaardigen tegen de Journalist Jonathan Randall. Het overstaan van de Kamer van Verzoekschriften is bestemd voor de afhandeling van verzoeken.

De Kamer van Verzoekschriften stelt: "Als reeds gezegd, het recht op vrijheid van meningsuiting bestaat niet louter uit het recht van journalisten en mediaorganisaties vrijelijk informatie te communiceren. Het bestaat ook uit een recht

van de leden van het publiek om informatie te ontvangen. Zoals het Europese Hof van de Mensenrechten het zegt in zijn besluit in Fresso en Roire versus Frankrijk: "Niet alleen heeft de pers als taak het doorgeven van informatie en ideeën in zake van openbaar belang: het publiek heeft ook het recht die te ontvangen."

Brdjanin beschreef de vitale rol van oorlogscorrespondenten in het werk van het Tribunaal, en concludeerde:

"De Kamer van Verzoekschriften wil niet onnodig het werk hinderen dat een openbaar doel dient." Het Britse 'House of Lords' in Regina versus Secretary of State for the Home Department Ex Parte Simms (A.P.) Secretary of State for the Home Department Ex Parte O'Brien vernietigde het verbod van de Britse Minister van Binnenlandse Zaken op mondelinge interviews tussen veroordeelde gevangenen en de media.

De O'Brien zaak stelt vast dat veroordeelde gevangene het recht hebben om interviews te voeren met de media en de oneerlijkheid van hun proces te bediscussiëren. Lord Steyn zegt:

"De veroordeelden zitten in de gevangenis omdat wordt aangenomen dat zij terecht veroordeeld zijn. Zij willen de juistheid van hun veroordeling aanvechten. Het is in beginsel niet mogelijk een belangrijkere functie te bedenken voor de vrije meningsuiting dan juist dit."

O'Brien erkent de realiteit van fouten in de rechtspleging en de cruciale rol van de media om die aan het licht te brengen.

President Slobodan Milosevic beweert dat hij onschuldig is en steevast weigert hij het Joegoslavië Tribunaal als rechtbank te erkennen. Hij is onschuldig tenzij anders bewezen en hij heeft alle recht de legitimiteit van dit instituut te ontkennen. Door contact met de media uit te bannen, schendt de Griffier de rechten van Mr. Milosevic, van zijn bezoekers en van het publiek in het algemeen. De democratie in Servië is ook het mikpunt van deze maatregel. De SP van Servië heeft Slobodan Milosevic legaal gekozen als Voorzitter van de partij en kan hem volledig in overeenstemming met de Servische wet als kandidaat presenteren. Het Joegoslavië Tribunaal heeft stilzwijgend besloten de SP te dwarsbomen en zijn politieke — niet juridische—doelstellingen gedemonstreerd. Deze maatregel is getroffen in naam van het mandaat van het Tribunaal om de 'vrede in voormalig Joegoslavië te herstellen'. De maatregel is moreel onacceptabel en de consequenties voor Servië — en voor de toekomst van het internationaal recht— catastrofaal.

Het Joegoslavië Tribunaal moge dan niet blij zijn met de kritiek van President Milosevic. De publieke voordelen van het hem toestaan met de media te communiceren zijn veel meer waard dan welke verwarring ook waaraan het Joegoslavië Tribunaal ten prooi mag vallen. Zoals Lord Steyn al zei:

De vrijheid van meningsuiting is, natuurlijk, van intrinsiek belang: het is een waarde op zich. Maar men moet goed weten dat het ook van instrumenteel belang is. Zij dient een aantal van brede belangen. Ten eerste bevordert het de zelfvervulling van individuen in de maatschappij. Ten tweede, in de beroemde woorden van de Mr. Justice Holmes (naar John Stuart Mill), "de beste test voor de waarheid is dat de kracht van de gedachte zichzelf geaccepteerd weet te krijgen in de competitie van de markt." Abraham versus USA 250 U.S. 616, at 630 (1919), per Holmes J. (dissent). Ten derde, de vrijheid van meningsuiting is het hartebloed van de democratie. De vrije stroom van informatie en ideeën informeert het politieke debat. Het is een veiligheidsklep: de mensen accepteren gemakkelijker besluiten die tegen hen ingaan wanneer zij in principe kunnen proberen daar invloed op uit te oefenen. Het werkt als een rem op machtsmisbruik van openbare functionarissen. Het bevordert het aan het licht komen van fouten in het bestuur en de rechtsbedeling van het land." Zie Stone, Seidman, Sunstein and Tushnet, Constitutional Law, 3rd ed., (1996), 1078-1086.

Het 'House of Lords' heeft zich bezig gehouden met het recht van veroordeelde criminelen om interviews te geven aan de media. Noch Mr. Milosevic noch zijn bezoekers zijn veroordeeld voor enige misdaad, toch berooft het besluit van de Griffier hen van rechten die veroordeelden genieten in het Verenigd Koninkrijk.

Vrijheid van meningsuiting voor het Joegoslavië Tribunaal

In de zaak van Brdjanin erkende de Kamer voor Verzoekschriften de vrijheid van meningsuiting als een fundamenteel recht dat alleen ingeperkt kan worden ter bescherming van het openbaar belang. De Griffier rechtvaardigt het spreekverbod door te suggereren dat verslaggeving over de deelnamen van President Milosevic aan de Servische verkiezingen het mandaat van het Joegoslavië Tribunaal zou hinderen:

“Overwegende dat de faciliteiten verstrekt door de Detentie Eenheid bedoeld zijn voor het welzijn van de Verdachte en niet voor doeleinden die de werking van het Tribunaal om te assisteren in de vestiging van vrede en veiligheid in voormalig Joegoslavië te frustreren en het feit dat een gedetineerde in de Detentie Eenheid gecommuniceerd heeft met behulp van faciliteiten verstrekt door de Detentie Eenheid om deel te nemen aan de lopende parlementsverkiezingen is een zodanige gelegenheid die het mandaat van het Tribunaal zou kunnen frustreren;”

Het publiek kan niet kwalijk genomen worden dat het er van uit gaat dat het de functie van een tribunaal is om recht te doen en eerlijke processen te voeren, maar niet “te assisteren bij de vestiging van vrede en veiligheid”. En ook al moge het niet helemaal gepast en misschien zelfs gevaarlijk zijn voor een gerechtelijke instelling om de taak van gendarme op zich te nemen, dan is de redenering van de Griffier niet te volgen. Hoe is het mogelijk dat de deelname van Slobodan Milosevic aan de Service verkiezingen—oftewel dat zijn deelname ‘schadelijke berichtgeving’ door de media kan veroorzaken—het mandaat van het Tribunaal kan frustreren?”

Het spreekverbod schendt duidelijk de rechten van Mr. Milosevic, de rechten van zijn partij en de rechten van het Servische volk. Maar de rechten van de media en het grote publiek worden evenzeer geschonden.

Elk juridisch instituut moet transparant zijn. De wet wordt geperverteerd en ontwijd wanneer die wordt gebruikt om de interne aangelegenheden van een soevereine natie te dwarsbomen—vooral wanneer de rechtvaardiging van een dergelijke interventie gebaseerd is op de bevordering van “vrede en veiligheid”.

Het spreekverbod schendt het fundamentele, universeel erkende principe van het vermoeden van onschuld

Alleen een flagrante veronachtzaming van het vermoeden van onschuld kan de schending van het fundamentele recht van vrijheid van meningsuiting van President Milosevic, naast de schending van de rechten van zijn mogelijke bezoekers, rechtvaardigen

In feite veronderstelt het verbod op bezoek en telefoongesprekken na beweerd contact met de media voor politieke doeleinden, dat President Milosevic schuldig is en in vereniging met hem ook zijn bezoek. Het verbod gaat er van uit dat Mr. Milosevic zijn bezoek slechte dingen zal vertellen — politieke dingen — die op hun beurt weer in de media verschijnen.

Het verbod moet ook voorkomen dat voor Mr. Milosevic gunstige informatie in de media opduikt, hetgeen alleen terecht is als hij als schuldig wordt aangemerkt.

Het besluit van de Griffier suggereert in ieder geval dat het publiek geen enkele informatie verkregen tijdens een bezoek aan Mr. Milosevic toevertrouwd kan worden.

Het besluit van de Griffier schendt Regel 5 van de het Detentiereglement, dat zegt:

Van alle gedetineerden, anders dan de door het Tribunaal veroordeelden, wordt aangenomen onschuldig te zijn tot zij schuldig zijn bevonden en zij worden altijd als zodanig behandeld.

Het spreekverbod is hetzelfde als een order tot eenzame opsluiting van President Milosevic

Het leidend beginsel met betrekking tot de detentie is hierboven uiteengezet: Van alle gedetineerden, anders dan de door het Tribunaal veroordeelden, wordt aangenomen onschuldig te zijn tot zij schuldig zijn bevonden en zij worden altijd als zodanig behandeld.

Dit beginsel vormt de kern van de regel op het recht van de gedetineerden op bezoek van hun keuze, ongeacht veiligheidsoverwegingen. Deze regel is consistent met de protocol van de VN aangaande detentie.

Amnesty International ziet de volgende gronden voor het principe van vrije toegang voor bezoekers: “Het recht van gedetineerden om met anderen te kunnen spreken en bezoek te kunnen ontvangen is een fundamentele beveiliging tegen schending van de mensenrechten zoals marteling, slechte behandeling en ‘verdwijningen’”.

Gedetineerden en gevangenen moet worden toegestaan met de buitenwereld te communiceren, onder redelijke voorwaarden en beperkingen.

Sedert maart 2003 mag Mr. Milosevic zijn vrouw en gezinsleden niet meer ontvangen. In augustus verbood de Griffier de toegang aan leden van de Socialistische Partij van Servië en van ‘geassocieerde entiteiten’. De nieuwe order is een omvattend verbod van alle bezoek, op een paar uitzonderingen na: de raadsman en de consulaire vertegenwoordiging.

Dat komt neer op het opleggen van eenzame opsluiting aan Mr. Milosevic. Het is onrechtvaardig, willekeurig en grillig. Het effect daarvan—de schending van het recht van een kandidaat op politieke

meningsuiting—welke kandidaat rechtmatig was aangewezen door een legitieme politieke partij—in de context van democratische verkiezingen— is een klap voor het idee van internationale gerechtigheid, als bedoeld door de ontwerpers van het VN Handvest, voor wie de soevereiniteit van staten, het recht van de volkeren op zelfbeschikking en het afzien van geweld of de dreiging met geweld bij het onderhouden van internationale betrekkingen boven alles verheven waren. Dat deze idealen worden geperverteerd in naam van de gerechtigheid zelve kan slechts het internationale recht schaden.

Tiphaine Dickson, procureur
Den Haag, 14 december 2003

'Milošević wist van Srebrenica'

Door een onzer redacteurs

DEN HAAG, 19 DEC. Slobodan Milošević wist in 1995 tevoren dat de Bosnische Serviërs een massamoord wilden plegen in de moslimenclave Srebrenica. Dat zei generaal Wesley Clark, ex-NAVO-bevelhebber, maandag voor het Joegoslavië-tribunaal. Zijn getuigenis is gisteren vrijgegeven.

„Wel, generaal Clark, ik heb [de Bosnisch-Servische legerleider] Mladić gewaarschuwd dit niet te doen, maar hij luisterde niet naar mij.” Dit zou Milošević op 17 augustus 1995, een maand na de massamoord op meer dan zevenduizend moslimmannen, tegen Clark hebben gezegd tijdens een ontmoeting in Belgrado. In dat gesprek vroeg Clark eerst met wie hij in contacten met de Bosnische Serviërs zaken moest doen. „Met mij natuurlijk”, antwoordde Milošević. Vervolgens vroeg Clark: „Meneer de president, u hebt zoveel invloed op de Bosnische Serviërs, maar hoe is het dan mogelijk dat u generaal Mladić toestaat al die mensen in Srebrenica te vermoorden?” Tot twee keer toe zou Milošević hebben gezegd dat Mladić niet naar hem wilde luisteren.

Een „flagrante leugen”, zo noemde Milošević Clarks uitlatin-

gen. Volgens hem is er niet over Srebrenica gesproken en „in al die jaren” heeft hij generaal Mladić nooit een bevel gegeven omdat hij daar de positie niet voor had.

Clarks getuigenis werd maandag en dinsdag achter gesloten deuren gehouden. De Amerikaanse regering eiste twee dagen tijd om de getuigenis van Clark aan te passen als bepaalde uitspraken hun 'nationale belangen' in gevaar brengen. De video-opname van Clarks getuigenis wordt vandaag vrijgegeven, gisteren werd zijn tekst al door het tribunaal gepubliceerd. Volgens een voorvoerder van het tribunaal is Clarks tekst niet geamendeerd.

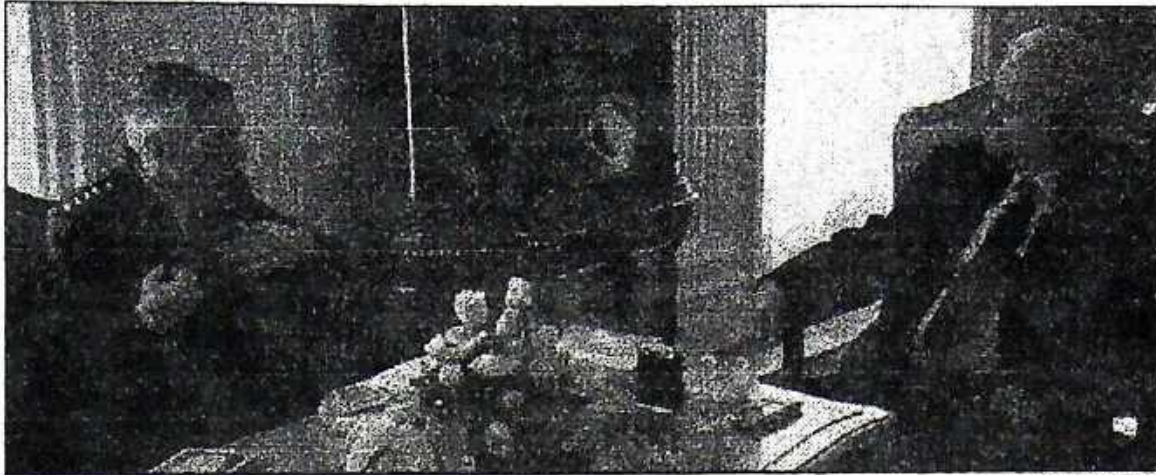
De woordvoester van openbaar aanklager Carla Del Pont typeerde de getuigenis van Clark als „ontzettend belangrijk”. Volgens haar is het bewijs geleverd dat Milošević vooraf op de hoogte was van de massamoord in Srebrenica. „Hij heeft niets ondernomen om de moord te voorkomen en bleef de Bosnische Serviërs steunen.”

Het Milošević-proces is geschorst tot 13 januari. De aanklagers hebben nog achttien zittingdagen om hun zaak rond te krijgen. In het voorjaar kan Milošević met zijn verdediging beginnen.

Sagittarius

Van: "Ruza" <despot@tiscali.nl>
 Aan: "Nico & Neeltje"
 Verzonden: vrijdag 19 december 2003 0:31
 Onderwerp: clark - Milosevic

General Clark to Testify for the Prosecution at Milosevic Trial



Associated Press

Gen. Wesley K. Clark, left, and Slobodan Milosevic during a meeting in January 1999 in Belgrade. The two men negotiated in lengthy sessions before NATO began its bombing of Serbia and the province of Kosovo.

By **MARLISE SIMONS**

Published: December 14, 2003

PARIS, Dec. 13 — Washington has agreed that Gen. Wesley K. Clark, the former NATO commander and a contender for the Democratic presidential nomination, can testify in the war crimes trial of Slobodan Milosevic. But the Bush administration has demanded the right to edit videotapes and transcripts of the sessions before they are made public.

The two former opponents, the American general and the former president of Yugoslavia, will face each other in court on Monday and Tuesday.

Closed sessions are routinely held at the United Nations tribunal that deals with Balkan war crimes, but usually to protect witnesses's safety. The conditions of General Clark's appearance are new.

The court agreed to give the United States government 48 hours to review the testimony and to ask judges to suppress any it regards as sensitive. Two government lawyers will accompany the general.

"The review is to ensure there was no inadvertent disclosure of sensitive, classified information," said Pierre-Richard Prosper, the United States ambassador at large for war crimes issues, in a telephone interview from Washington. During the Balkan wars, he said,

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General Clark "obviously had seen a substantial amount of intelligence." But, he added, "we are fairly confident that the bulk of the testimony and videotapes can be released."

The current plan is to release videotapes of the sessions on Friday, after the review, said Jim Landale, a tribunal spokesman.

The two men confronting each other in court next week have met many times before. General Clark spent many hours with Mr. Milosevic in 1994 and 1995, when he was special adviser to Richard C. Holbrooke, who was trying to end the Bosnia war. They were both at the 21-day peace negotiations Mr. Holbrooke led in Dayton, Ohio, in 1995, and they spent lengthy sessions negotiating before NATO began bombing Serbia and its province of Kosovo in March 1999.

Mr. Milosevic, whose trial began in February 2002, is facing 66 charges, including genocide, stemming from his role in those wars, which left more than 200,000 people dead, destroyed villages and towns, and drove more than a million people from their homes. General Clark will be a witness for the prosecution.

Prosecutors want to know how much Mr. Milosevic knew — or could have known — about crimes committed by members of the Bosnian Serb military who were on Belgrade's payroll and by Serbian police officers and other forces directly under his command.

General Clark faces direct cross-examination by Mr. Milosevic, who conducts his own defense and usually demands as much time to question a witness as the prosecution. Frequently, he is given more time.

Among the 280 witnesses who have already testified at the trial, there have been many high-profile witnesses and many senior military officers from other nations. Only France is known to have insisted that its top military officers testify behind closed doors.

In court, Mr. Milosevic has often railed against NATO's bombing campaign and said NATO was the one that had committed war crimes. Of the 23,000 bombs and missiles used during the 78-day campaign, some struck the Chinese Embassy in Belgrade, several bridges, a train full of civilian passengers and a television station.

How much finger-pointing Mr. Milosevic will be allowed with General Clark on the stand will depend on Richard May, the British judge who presides over the trial.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:>
Verzonden: vrijdag 19 december 2003 20:09
Onderwerp: CDSM:Fw: ANTIWAR: Mr. Clark Goes To The

>>> <http://www.antiwar.com/malic/m-col.html>

>>>

>>> ANTIWAR, Thursday, December 18, 2003

>>>

>>> Balkan Express

>>> by Nebojsa Malic

>>> Antiwar.com

>>>

>>> Mr. Clark Goes To The Hague

>>>

>>> Show Trials and Politics

>>>

>>> After much fanfare, generated by the unprecedented censorship

>>> agreement between Washington and the Hague Inquisition, wannabe

>>> Emperor Wesley Clark appeared before the "court" early this week to

>>> testify against Slobodan Milosevic.

>>>

>>> It is not yet known what Clark actually said, since Washington

>>> demanded - and the ICTY agreed - that the testimony would be censored,

>>> to "protect against inadvertent disclosure of sensitive US government

>>> information," according to a US embassy spokeswoman. It is similarly

>>> unknown whether official Washington does not trust Clark enough, or if

>>> this is merely another precedent to establish further Imperial control

>>> over its quasi-judicial tool.

>>>

>>> Inquisitors were no doubt hoping Clark could somehow demonstrate that

>>> Milosevic knew about alleged atrocities in Kosovo and Bosnia. But even

>>> if the former general was able to cite a specific statement of

>>> Milosevic's indicating such a thing - which is highly unlikely, as no

>>> one else has so far - the fact remains that Clark commanded a military

>>> force that committed a clear-cut act of aggression against Milosevic's

>>> country. Therefore, he has every reason to lie - i.e. accuse Milosevic

>>> of war crimes - in order to justify his own illicit deeds.

>>>

>>> Most incongruous, perhaps, is that Milosevic faces charges of "command

>>> responsibility," which the Inquisitors have consistently failed to

>>> prove, while Clark was clearly the commander of NATO forces that

>>> committed both crimes against peace and war crimes during their attack

>>> - yet Clark gets to testify for the prosecution, not face criminal

>>> charges himself. The Inquisition has already dismissed the very

>>> possibility.

>>>

>>> Pettiness and Petulance

>>>

>>> As the officially approved version of Clark's testimony ought to

>>> appear on Friday, there is no sense in speculating what he may or may

>>> not have said. Clark's own comments at the press conference on Tuesday

>>> suggest it was an ego trip of little relevance.
>>>

>>> It is a fact of life at The Hague that while the accused are denied
>>> contact with the media, the accusers get all the press time in the
>>> world. Showing a propensity for grandstanding akin to a certain
>>> carrier landing, Clark addressed the press in front of the Tribunal's
>>> compound, using the occasion to solicit political points for his
>>> presidential campaign and bad-mouth Milosevic.
>>>

>>> Speaking to the press, Clark described Milosevic as "argumentative and
>>> stubborn" (AP, AFP) and even "petulant" (AFP, BBC). He also implied
>>> Milosevic had foreknowledge of alleged atrocities, and expressed
>>> pleasure he could testify against "the man I believe was responsible
>>> for so much of the slaughter and victims in the Balkans."
>>>

>>> Believe? So what!? Plenty of people believe one thing or another. Does
>>> Clark actually know anything - aside from his own role in Balkans
>>> bloodshed, that is? Probably not, but no one bothered to ask. Just as
>>> no one remarked that it was rather petty of Clark to disparage someone
>>> who is prevented from answering the insults.
>>>

>>> Arguments from Authority
>>>

>>> Most likely, Clark said nothing of actual value; his presence alone
>>> was the purpose, playing on the old-fashioned logical fallacy of
>>> appeal to authority: a number of important, influential, powerful and
>>> significant people testified against Milosevic, and they ought to be
>>> right because of who they are.
>>>

>>> This is nonsense, of course, even if the Inquisition did not apply
>>> even this fallacy selectively, promoting as truthful only those who
>>> spoke in its favor. But that did not stop the AFP to elaborate
>>> precisely along those lines: Clark was just the latest in a series of
>>> prominent Milosevic detractors, including Croatian president Mesic,
>>> Slovenian president Kucan, former Yugoslav Prime Minister Markovic,
>>> and Milosevic's predecessor Lilic. Only, Lilic did not really speak
>>> against Milosevic, while the others have a vested interest in blaming
>>> the deposed Serbian leader for Yugoslavia's collapse in order to cover
>>> up their own roles in it. Much like Clark, really.
>>>

>>> (In)coherent Wes
>>>

>>> At first it appears odd that few reports cite Clark in complete
>>> sentences. The Guardian, perhaps inadvertently, reveals why. Here's
>>> what their reporter heard:
>>>

>>> "For the people of the region it's a very important experience. It's
>>> the rule of law. It's closure with a man who caused the deaths, or is
>>> alleged to have caused the deaths, of hundreds of thousands throughout
>>> Europe."
>>>

>>> Does this not sound like George W. Bush? Sentences make little sense
>>> ("It's the rule of law." What?) and lack spatial coherence
>>> ("throughout Europe," as if the wars had not been confined to a
>>> specific portion of the Balkans). All of a sudden, another reason for

>>> US government censorship comes to mind: is it someone's interest to
>>> prevent Wesley Clark from sounding like a complete idiot? If so, they
>>> aren't doing very well...

>>> 'Shadow Lawyers'

>>> Another curiosity is the amount of effort invested in Clark's
>>> testimony, given its unlikelihood of producing any important evidence.
>>> It might be the prosecutors are getting desperate, having failed for
>>> two years now to produce any evidence to the existence of their "joint
>>> criminal enterprise," let alone any alleged role of Milosevic in it.
>>> Millions of dollars at their disposal, hundreds of clerks,
>>> investigators, troops and diplomats, intelligence officials and
>>> Imperial-sponsored NGOs have managed to produce nothing but repeated
>>> allegations, suborned perjury and blatantly forged history.

>>> So the reason for their failure becomes a "team of shadow lawyers" in
>>> Serbia, helping Milosevic (AP), though such a "defense team" has ever
>>> been just a figment of Imperial imagination. Even if Milosevic has
>>> helpers in Serbia and elsewhere, their resources pale in comparison to
>>> those of the Inquisition.

>>> Presstitutes

>>> What they lose in the courtroom, even a sham one they dominate, the
>>> Inquisitors make up in the court of public opinion. Reporters who
>>> cover the Tribunal shamelessly shill for the prosecution, and refers
>>> to defendants with derision at best. Not that they are ever called
>>> "defendants" - most of the time, they are "indictees" (an unrecognized
>>> neologism), or even "indicted war criminals" (presuming guilt).

>>> Even the choice of "experts" and "observers" reveals the reporters'
>>> allegiance. Most of the time, such entities remain nameless, in an
>>> effort to imply a great number of people in agreement on the matter.
>>> In truth, they are only a handful of professional pimps for the
>>> Tribunal, such as Richard Dicker of Human Rights Watch, or Judith
>>> Armatta of the pompously named "Coalition for International Justice,"
>>> two of the fiercest partisans of the ICTY and its prosecutors, even to
>>> the point of helping with "evidence."

>>> Tribunal reporters routinely distort testimonies, trumpeting the most
>>> outrageous allegations without noting that they were subsequently
>>> dismissed in cross-examinations. No retractions are ever offered, of
>>> course. Fallacies have entirely replaced any semblance of clear
> judgment.

>>> This situation is by no means limited to reporting from the Tribunal.
>>> Reports from Kosovo, Serbia and Bosnia are always garnished with
>>> obligatory comments from professional victims, paid pundits or
>>> "observers" such as the International Crisis Group, or the
>>> Humanitarian Law Center. That is, when their specific opinions are
>>> attributed, as opposed to being presented as the prevalent popular
will.

>>> What motivates these people? Some of them are certainly "activists,"

>>> seeking to forward their own agendas or those of their superiors.
>>> Others might be driven by fear, mindful of the example of Chris
>>> Stephen, a dedicated pro-Tribunal reporter sacked after telling the
>>> truth just once. But whatever it is, their conduct is inexcusable.
>>>
>>> Deja Saddam?
>>>
>>> Finally, it is worth noting that Clark hinted the ICTY should be used
>>> as an example for putting Saddam Hussein on trial. He may be right; as
>>> kangaroo courts and show trials go, it truly has no equal.
>>>
>>> Even so, Milosevic has embarrassed the Inquisition every step of the
>>> way for the past two years, and shows no signs of giving up. If
>>> Hussein is put on trial, even in a more obvious kangaroo court
>>> environment, and displays but a part of Milosevic's wit, the Empire
>>> can look forward to some serious embarrassment. Given all that, it
>>> really is a wonder Hussein was not "shot while attempting to escape."
>>>
>>>

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Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient;>
Verzonden: zaterdag 20 december 2003 21:21
Onderwerp: CDSM:Fw: r_rozoff@yahoo.com Wesley Clark, War Criminal: Excerpts From ICTY Transcripts
 Excerpts from ICTY Transcripts re- Wesley Clark.

>
 >> r_rozoff@yahoo.com
 >>
 >>
 >>
 >> 1) Clark Threatened To Bomb Yugoslavia On October 20,
 >> 1998
 >> 2) Judge May Refuses To Allow Milosevic To Make Any
 >> Mention Of War Against Yugoslavia
 >> 3) Clark Got Four Members Of His Own Delegation Killed
 >> In Bosnia In 1995
 >> 4) Clark Was Warned That His Attack Against Yugoslavia
 >> Would Be War Crime
 >> 5) Wesley Clark's KLA Allies
 >>
 >>
 >> [Note: A. is Wesley Clark, Q. is Slobodan Milosevic]
 >>
 >>
 >> <http://www.un.org/icty/transe54/031215ED.htm>
 >>
 >> Monday, 15 December 2003
 >>
 >>
 >> A. [On October 20, 1998] I asked him to step aside, I
 >> spoke to him one-on-one, and I warned
 >>
 >>
 >> Page 30387
 >>
 >> I told him that if he didn't comply with the request of the
 >> United Nations, that
 >>
 >> 2 action would be taken against him in the form of
 >> bombing.
 >> -----
 >> -----
 >> 23 THE ACCUSED: [Interpretation] Mr. May, just in
 >> order to clarify
 >>
 >> 24 the basic attitude towards me in relation to this
 >> witness, is it in
 >>
 >> 25 dispute that General Clark was in command of NATO
 >> during the war against
 >>

>>

>> Page 30418

>>

>> 1 Yugoslavia? And is it disputed that that was his
>> most important role in

>>

>> 2 everything that related to Yugoslavia? And is it in
>> dispute that you're

>>

>> 3 not allowing me to ask him anything at all about
>> that?

>>

>> 4 JUDGE MAY: That's right. Now, ask questions -- if
>> you wish to

>>

>> 5 ask questions, concentrate on those matters that
>> you've been told about

>>

>> 6 several times.

>>

>> 9 THE ACCUSED: [Interpretation] So I cannot ask him
>> anything at all

>>

>> 10 about the war waged by NATO against Yugoslavia. Is
>> that what you're

>>

>> 11 saying?

>>

>> 12 JUDGE MAY: Yes.

>>

>> 13 THE ACCUSED: [Interpretation] Well, Mr. May, that
>> really is an

>>

>> 14 example showing that this is truly nothing more
>> than a farce.

>>

>> -----11

>> Q. At that meeting, you presented a plan to me. You
>> said that you

>>

>> 12 were leaving already on the following day and that
>> you would be talking to

>>

>> 13 the leadership in Sarajevo headed by Izetbegovic;
>> is that right?

>>

>> 14 A. Your Honour, that is correct.

>>

>> 15 Q. Do you remember that I suggested to you and that
>> I cautioned you

>>

>> 16 not to go, as you had intended to go, via Mount
>> Igman because there isn't

>>

>> 17 a proper road there? There's only a footpath there

>> basically. It's very
>>
>> 18 dangerous. My suggestion to you was that you should
>> take the normal road.
>>
>> 19 Do you remember that?
>>
>> 20 A. Your Honour, I don't remember all the ins and
>> outs of this
>>
>> 21 dialogue. What I do remember is that we had asked
>> the accused to assure
>>
>> 22 that we could get through on the normal road, that
>> we wouldn't be stopped
>>
>> 23 by checkpoints and other things. And I do recall
>> that the accused was
>>
>> 24 able to contact immediately, I believe it was
>> General Mladic, at least
>>
>> 25 that's the impression that we were given, that I
>> took from the meeting,
>>
>>
>> Page 30425
>>
>> 1 and he came back and said that he could not ensure
>> that we could have an
>>
>> 2 unrestricted passage in at that time on the normal
>> routes.
>>
>> 3 Q. General Clark, it's exactly the other way around.
>> I'm going to
>>
>> 4 remind you. First of all, I'm not the one who went
>> out in order to get
>>
>> 5 into contact with anyone. It's my chef de cabinet,
>> Goran Milinovic, who
>>
>> 6 went out. I never left the room; I went on talking
>> to you. Do you
>>
>> 7 remember that?
>>
>> 8 A. Your Honour, I don't remember the specific
>> details of who left the
>>
>> 9 room or who didn't at that point.
>>
>> 10 Q. All right, General Clark. How come you don't
>> remember that Goran

>>
>> 11 Milinovic brought a fax containing written
>> guarantees from General Mladic
>>
>> 12 that you would not be stopped anywhere and that you
>> can pass along the
>>
>> 13 normal route? That is what we discussed for a long
>> time, because he came
>>
>> 14 back a few times in order to establish the exact
>> wording of this guarantee
>>
>> 15 so that it would be absolutely certain that nobody
>> would stop you, because
>>
>> 16 Holbrooke explained that it would be a great shame
>> for the delegation if
>>
>> 17 anyone stopped them anywhere. I assume you should
>> remember that. It was
>>
>> 18 the first meeting. Is that right or is that not
>> right?
>>
>> 19 A. Your Honour, I don't have any recollection of
>> this specifically.
>>
>> 20 I do remember that there was discussion about the
>> route and that we were
>>
>> 21 unable to get satisfactory guarantees that we could
>> go through it and that
>>
>> 22 that's subsequently why we decided we would go the
>> Mount Igman route. I
>>
>> 23 don't have any recollection of the details other
>> than that there was some
>>
>> 24 conversation with Mladic. That is to say that there
>> was a report that
>>
>> 25 someone had had a conversation with Mladic. We
>> didn't see that. We
>>
>>
>> Page 30426
>>
>> 1 stayed in the room. Who might have had that
>> conversation and what was
>>
>> 2 carried back and forth and so forth, I don't recall.
>>
>> 3 Q. Don't you remember that you were given this

>> guarantee into your
>>
>> 4 very own hands in writing that you would not be
>> stopped anywhere and that
>>
>> 5 Holbrooke refused this out of his very own vanity
>> and that's why four of
>>
>> 6 your men got killed on Mount Igman in the accident
>> because the APC
>>
>> 7 tumbled? You cannot remember that, General Clark?
>> Four of your fellow
>>
>> 8 members of the delegation got killed then because of
>> your vanity.
>
> -----
> -----
>> <http://www.un.org/icty/transe54/031216ED.htm>
>>
>> Tuesday December 16, 2003
>>
>> 6 Q. Very well, General Clark. That's fine. Since in
>> your
>>
>> 7 examination-in-chief you quoted me as having told
>> you that you were a war
>>
>> 8 criminal, am I quoting what you've said, General
>> Clark, correctly?
>>
>> 9 A. I recall your saying that I would be the war
>> criminal or that I
>>
>> 10 was a war criminal, yes. That was in the meeting
>> that we had in Beli Dvor
>>
>> 11 in January of 1999.
>>
>> 12 Q. That is quite true that I said that you would be
>> a war criminal if
>>
>> 13 you attacked Yugoslavia. That is quite true. I said
>> to you, "You will be
>>
>> 14 a war criminal if you attack Yugoslavia. Yugoslavia
>> is a sovereign state
>>
>> 15 and you have no right to intervene militarily in
>> Yugoslavia." Is that
>>
>> 16 right, General Clark?
>>
>> 17 A. Your Honour, I don't recall all of the

>> qualifications. I recall

>>

>> 18 the accused becoming very angry, red in the face,
>> and making accusations.

>>

>> 19 That's what I recall, and that's what I testified
>> to.

>>

>> 20 Q. So you were heralding a NATO bombardment, and
>> you said -- and I

>>

>> 21 said that you did not have the right to bomb a
>> sovereign state, and that

>>

>> 22 if you did that you would be a war criminal. Is
>> that right, General

>>

>> 23 Clark?

>>

>> 24 JUDGE MAY: The witness has answered the question.
>> There's no

>>

>> 25 need to repeat it.

>>

>>

>> Page 30453

>>

>> 1 THE ACCUSED: [Interpretation] All right.

>>

>> 2 MR. MILOSEVIC: [Interpretation]

>>

>> 3 Q. Do you think that you are a war criminal, General
>> Clark?

>>

>> 4 JUDGE MAY: That's not a proper question.

>>

>> 5 THE ACCUSED: [Interpretation] All right.

>>

>> 6 If it's not a proper question, then I'm going to put
>> some other

>>

>> 7 questions.

>>

>> 8 Could you put this photograph on the ELMO.

>>

>> 9 JUDGE MAY: What is the photograph about? What is it
>> of?

>>

>> 10 THE ACCUSED: [Interpretation] The photograph
>> depicts General Clark

>>

>> 11 together with Hashim Thaci, Agim Ceku, General
>> Jackson, and Kouchner.

>>

>> 12 They're like the Musketeers with their hands all

>> together.
>>
>> 13 JUDGE MAY: It doesn't arise from your examination
>> -- or the
>>
>> 14 examination-in-chief of the witness or his
>> statement.
>>
>> 15 THE ACCUSED: [Interpretation] Mr. May, during the
>>
>> 16 examination-in-chief the witness said, when quoting
>> me, and I confirmed
>>
>> 17 that, that I said to him that he would be a war
>> criminal if he attacked
>>
>> 18 Yugoslavia. I wish to show him proof of the fact
>> that what I said to him
>>
>> 19 was correct. So I have the right --
>>
>> 20 JUDGE MAY: You can ask him about the conversation
>> because that is
>>
>> 21 something which the witness dealt with in chief and
>> in his statement.
>>
>> 22 You've asked him about the conversation. You've got
>> the answer. The
>>
>> 23 substance of your allegations, such as they are, is
>> neither here nor
>>
>> 24 there. All we are concerned with is the fact that
>> you made these
>>
>> 25 allegations, if there's any significance in it.
>>
>>
>> Page 30454
>>
>> 1 THE ACCUSED: [Interpretation] Mr. May --
>>
>> 2 JUDGE MAY: Don't waste your time arguing about these
>> matters.
>>
>> 3 THE ACCUSED: [Interpretation] Mr. May, do I not have
>> the right to
>>
>> 4 put a question to him in relation to what he himself
>> stated, that I had
>>
>> 5 said to him that he would be a war criminal? Don't I
>> have the right to
>>

>> 6 ask him about the consequences of what he did
>> afterwards?
>>
>> 7 JUDGE MAY: No, and you've heard the reasons. You
>> know how far
>>
>> 8 you're allowed to go and how far you aren't, and
>> this goes beyond it. If
>>
>> 9 it's a way to try and get round the ruling, which I
>> suspect it is, it will
>>
>> 10 not be successful. The witness has answered the
>> question. He said you
>>
>> 11 did make that allegation, for what it's worth, but
>> doesn't remember what
>>
>> 12 the qualifications were. Now, we can't take it any
>> further. All you can
>>
>> 13 ask him about is the conversation itself.
>>
>> 14 THE ACCUSED: [Interpretation] Oh, so I can ask him
>> about the
>>
>> 15 conversation but I cannot ask him about the content
>> and meaning of that
>>
>> 16 conversation? Is that what you're trying to say?
>>
>> 17 JUDGE MAY: That's right. That's right. Particularly
>> these sort
>>
>> 18 of allegations that you're anxious to pursue.
>>
>> 19 THE ACCUSED: [Interpretation] Well, that's the
>> point, Mr. May.
>>
>> 20 This entire farce serves that purpose, to cover up
>> the crime committed
>>
>> 21 against Yugoslavia by --
>>
>> 22 JUDGE MAY: No, we don't want political speeches
>> now. We're far
>>
>> 23 too advanced in this trial to listen to this.
>>
>> 24 MR. MILOSEVIC: [Interpretation]
>>
>> 25 Q. All right. General Clark, do you think that in
>> view of your
>>
>>

>> Page 30455
>>
>> 1 military training and education, the high position
>> you held in the army of
>>
>> 2 the United States and in NATO, that the killing of
>> civilians, the bombing
>>
>> 3 of --
>>
>> 4 JUDGE MAY: Now, you know quite well that this is not
>> the sort of
>>
>> 5 question the witness is dealing with. We've told you
>> before you were
>>
>> 6 asking questions which you were perfectly permitted
>> to ask before the
>>
>> 7 adjournment. I suggest you return to that.
>>
>> 8 THE ACCUSED: [Interpretation] So you are not
>> allowing me to put a
>>
>> 9 single question in relation to the crimes that this
>> witness committed
>>
>> 10 against my country?
>>
>> 11 JUDGE MAY: You know quite well that these sort of
>> questions are
>>
>> 12 not permitted. These sort of allegations which you
>> make are not matters
>>
>> 13 which can be debated now, or indeed at any time
>> probably in this trial,
>>
>> 14 unless you show the relevance of it, but it's
>> certainly not relevant to
>>
>> 15 these -- to this evidence. This kind of allegation
>> does not assist
>>
>> 16 anybody.
>>
>> 17 THE ACCUSED: [Interpretation] All right. Since
>> you've said just
>>
>> 18 now, Mr. May, that this cannot be discussed here, I
>> have here with me the
>>
>> 19 final report that a commission established to look
>> into the NATO campaign
>>

>> 20 against Yugoslavia, and this commission worked for
>> the Prosecution --
>>
>> 21 JUDGE MAY: No. You're wasting your own time. It's
>> very limited.
>>
>> 22 You know quite well what your questioning is
>> limited to. You must return
>>
>> 23 to it or this cross-examination will stop. It's a
>> matter for you whether
>>
>> 24 you want the cross-examination to stop or not. Now,
>> you will go back to
>>
>> 25 what the witness gave evidence about in chief or
>> this cross-examination
>>
>>
>> Page 30456
>>
>> 1 will be brought to an end.
>>
>
> -----
> -----
>> 25 Q. You mentioned, General Clark, the KLA in several
>> sections, in
>>
>> Page 30500
>>
>> 1 several paragraphs, even in this latest statement of
>> yours. You talk
>>
>> 2 about their regrouping, you talk about operations
>> against the KLA, you
>>
>> 3 talk about the existence of the KLA, and so on.
>>
>> 4 You mentioned in your statement that I had said to
>> you that these
>>
>> 5 were murderers, rapists, plunderers, arsonists, that
>> these people were
>>
>> 6 terrorists. Do you remember that?
>>
>> 7 JUDGE MAY: Is this the reference now - let's make
>> sure we have
>>
>> 8 the reference right - to the conversation in October
>> 1998? It's
>>
>> 9 paragraphs --
>>

>> 10 JUDGE KWON: 28.
>>
>> 11 JUDGE MAY: 28. That's the conversation, is it?
>>
>> 12 THE ACCUSED: [Interpretation] That paragraph and
>> other paragraphs.
>>
>> 13 MR. MILOSEVIC: [Interpretation]
>>
>> 14 Q. So I believe it is not in dispute that I said to
>> you, General
>>
>> 15 Clark, that these were terrorists, murderers,
>> rapists, killers of their
>>
>> 16 own kind. Is that right or is that not right? Was
>> that clear or was that
>>
>> 17 not clear?
>>
>> 18 A. You did say that to me in October of 1998, and
>> that is the phrase
>>
>> 19 you used. I remember you using it in English,
>> "murderers, rapists, and
>>
>> 20 killers of their own kind."
>>
>> 21 Q. And terrorists; right? Terrorists first and
>> foremost.
>>
>> 22 THE ACCUSED: [Interpretation] Now, please put this
>> picture on the
>>
>> 23 ELMO. These are men in KLA uniforms, and I hope
>> that you will recognise
>>
>> 24 the patch on the sleeve, the KLA patch. It can be
>> seen on the left arm,
>>
>> 25 So there is no doubt that this is the KLA. We see
>> this too.
>>
>>
>> Page 30501
>>
>> 1 JUDGE MAY: That is unnecessary. Remove that picture,
>> please.
>>
>> 2 This is nothing to do with the evidence. Return the
>> picture, please, to
>>
>> 3 the accused.
>>
>> 4 THE ACCUSED: [Interpretation] Mr. May, these men in

>> KLA uniforms,
>>
>> 5 I mean, this man is holding two Serb heads that had
>> been cut off. Is that
>>
>> 6 confirmation? I mean, are these allies of General
>> Clark's infantry in
>>
>> 7 Kosovo?
>>
>>
>> 20 THE ACCUSED: [Interpretation] The general -- well,
>> I mean the
>>
>> 21 general is speaking in general terms about the KLA,
>> and you did not allow
>>
>> 22 me to show a picture yesterday of the three
>> Musketeers where he is like
>>
>> 23 D'Artagnan with the leaders of these terrorists.
>>
>> 24 MR. MILOSEVIC: [Interpretation]
>>
>> 25 Q. General, you actually commanded these
>> formations, these units that
>>
>>
>> Page 30503
>>
>> 1 cut off Serb heads.
>>
>>
>>
>> Q) You say in paragraph 28: "We know how to handle
>> these Albanians,
>>
>> 21 these murderers, these rapists, these killers of
>> their own kind. We have
>>
>> 22 taken care of them before." And you talk about
>> 1946.
>>
>> 23 General, obviously you do not know history, the
>> history of the
>>
>> 24 Second World War. Do you know that in this context
>> I did not speak to you
>>
>> 25 about this at all? I'm going to remind you. I was
>> saying that many
>>
>>
>> Page 30504
>>

- >> 1 members of Hitler's army who were Albanians and who
>> had been crushed spent
>>
>> 2 all of two years after the war in the mountains of
>> Kosovo, notably in
>>
>> 3 Drenica, and they were killing people, and that the
>> Yugoslav army spent
>>
>> 4 all of two years with them in Kosovo finishing off
>> the Second World War.
>>
>> 5 They were members of Hitler's units that remained in
>> the hills up there,
>>
>> 6 and the war went on for two more years over there in
>> Kosovo. Truth to
>>
>> 7 tell, it was a low-intensity conflict.
>>
>>
>> 8 Q. General Clark, isn't it clear that the reference
>> here is not to
>>
>> 9 Albanians but to terrorists who that year had killed
>> more Albanians than
>>
>> 10 Serbs, as a matter of fact? These were terrorists
>> and killers towards
>>
>> 11 which every country, every nation is entitled to
>> take measures when
>>
>> 12 dealing with terrorists, killers, rapists,
>> torturists, slaughterers. That
>>
>> 13 was the reference, and not to Albanians. I never
>> used the name of a
>>
>> 14 people to link it to killers. Killers are killers.
>> Terrorists are
>>
>> 15 terrorists, regardless of what nation they may
>> belong to.
>>
>> 16 In this case, we were talking about terrorists and
>> killers, and in
>>
>> 17 1946 --
>>
>>
>> 19 And secondly, General, you certainly must know that
>> it was the
>>
>> 20 German intelligence service, in fact, that worked

- >> 4 out these 1.854 terrorist attacks, having killed
- >> hundreds of people,
- >>
- >> 5 having wounded hundreds of people, civilians,
- >> policemen, soldiers? Who
- >>
- >> 6 did that then in 1998 if not terrorists? Who could
- >> have done it?
- >>
- >> 7 JUDGE MAY: I'm going to stop these rhetorical
- >> questions. What is
- >>
- >> 8 the question?
- >>
- >>
- >> 3 Q. General Clark, since you claim that these
- >> individuals who carried
- >>
- >> 4 out these acts of terrorism are not terrorists,
- >> although several
- >>
- >> 5 resolutions of the Security Council refer to
- >> terrorism in Kosovo, you
- >>
- >> 6 nevertheless claim that they are not terrorists.
- >>
- >> 7 Please answer a question: Is your election campaign
- >> financed by
- >>
- >> 8 Albanian circles including the KLA?
- >>
- >>
- >> 24 Q. You caused a humanitarian catastrophe, General
- >> Clark. You didn't
- >>
- >> 25 save anyone. And since you were the NATO commander,
- >> I assume that you
- >>
- >>
- >> Page 30538
- >>
- >> 1 know that the Helsinki final act explicitly
- >> authorises states to fight
- >>
- >> 2 against terrorism in their own territory and that no
- >> other state has the
- >>
- >> 3 right to stop it or prevent it from doing that. You
- >> interfered in this
- >>
- >> 4 conflict and you took the side of the terrorists,
- >> General Clark. Is that
- >>
- >> 5 right or is that not right?
- >>

Handwritten notes in the right margin:

1.854 terrorist attacks and hundreds of people killed and wounded hundreds of people, civilians, policemen, soldiers

1998 if not terrorists? Who could have done it?

JUDGE MAY: I'm going to stop these rhetorical questions. What is the question?

General Clark, since you claim that these individuals who carried out these acts of terrorism are not terrorists, although several resolutions of the Security Council refer to terrorism in Kosovo, you nevertheless claim that they are not terrorists.

Please answer a question: Is your election campaign financed by Albanian circles including the KLA?

You caused a humanitarian catastrophe, General Clark. You didn't save anyone. And since you were the NATO commander, I assume that you

Page 30538

1 know that the Helsinki final act explicitly authorises states to fight against terrorism in their own territory and that no other state has the right to stop it or prevent it from doing that. You interfered in this conflict and you took the side of the terrorists, General Clark. Is that right or is that not right?

>>
>> 21 THE ACCUSED: [Interpretation] I should first like
>> to refer to what
>>
>> 22 Mr. Nice has said, that apparently they're
>> investigating all crimes. If
>>
>> 23 they are investigating all crimes, then you have
>> first of all the
>>
>> 24 photograph of Clark, Hashim Thaci, Ceku and all the
>> others who were in
>>
>> 25 command of those crimes. As for the other
>> photographs that I showed, I
>>
>>
>> Page 30585
>>
>> 1 have the name of the person holding those heads and
>> the names of the Serbs
>>
>> 2 who were beheaded. And the photographs that I wanted
>> to show him, because
>>
>> 3 it was his allies that he is keeping company with
>> who did this.
>>
>> 4 Unfortunately, you are not investigating all crimes.
>>
>>
>>
>>

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Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: "Nico & Neeltje"
Verzonden: maandag 22 december 2003 3:26
Onderwerp: SM
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U.S. leaders profess a dedication to democracy. Yet over the past five decades, democratically elected governments---guilty of introducing redistributive economic programs or otherwise pursuing independent courses that do not properly fit into the U.S.-sponsored global free market system--- have found themselves targeted by the U.S. national security state. Thus democratic governments in Argentina, Bolivia, Brazil, Chile, Cyprus, the Dominican Republic, Greece, Guatemala, Guyana, Haiti, Syria, Uruguay, and numerous other nations were overthrown by their respective military forces, funded and advised by the United States. The newly installed military rulers then rolled back the egalitarian reforms and opened their countries all the wider to foreign corporate investors.

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

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

There is no better example of this than the tireless demonization of democratically-elected President Slobodan Milosevic and the U.S.-supported wars against Yugoslavia. Louis Sell, a former U.S. Foreign Service officer, has authored a book (Slobodan Milosevic and the Destruction of Yugoslavia, Duke University Press, 2002) that is a hit piece on Milosevic, loaded with all the usual prefabricated images and policy presumptions of the U.S. national security state. Sell's Milosevic is a caricature, a cunning power seeker and maddened fool, who turns on trusted comrades and plays upon divisions within the party.

This Milosevic is both an "orthodox socialist" and an "opportunistic Serbian nationalist," a demagogic power-hungry "second Tito" who simultaneously wants dictatorial power over all of Yugoslavia while eagerly pursuing policies that "destroy the state that Tito created." The author does not demonstrate by reference to specific policies and programs that Milosevic is responsible for the dismemberment of Yugoslavia, he just tells us so again and again. One would think that the Slovenian, Croatian, Bosnian Muslim, Macedonian, and Kosovo Albanian secessionists and U.S./NATO interventionists might have had something to do with it.

In my opinion, Milosevic's real sin was that he resisted the dismemberment of Yugoslavia and opposed a U.S. imposed hegemony. He also attempted to spare Yugoslavia the worst of the merciless

privatizations and rollbacks that have afflicted other former communist countries. Yugoslavia was the only nation in Europe that did not apply for entry into the European Union or NATO or OSCE.

For some left intellectuals, the former Yugoslavia did not qualify as a socialist state because it had allowed too much penetration by private corporations and the IMF. But U.S. policymakers are notorious for not seeing the world the way purist left intellectuals do. For them Yugoslavia was socialist enough with its developed human services sector and an economy that was over 75 percent publicly owned. Sell makes it clear that Yugoslavia's public ownership and Milosevic's defense of that economy were a central consideration in Washington's war against Yugoslavia. Milosevic, Sell complains, had a "commitment to orthodox socialism." He "portrayed public ownership of the means of production and a continued emphasis on [state] commodity production as the best guarantees for prosperity." He had to go.

To make his case against Milosevic, Sell repeatedly falls back on the usual ad hominem labeling. Thus we read that in his childhood Milosevic was "something of a prig" and of course "by nature a loner," a weird kind of kid because he was "uninterested in sports or other physical activities," and he "spurned childhood pranks in favor of his books." The author quotes an anonymous former classmate who reports that Slobodan's mother "dressed him funny and kept him soft." Worse still, Slobodan would never join in when other boys stole from orchards---no doubt a sure sign of childhood pathology.

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

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

Milosevic, we are repeatedly told, fell under the growing influence of his wife, Mirjana Markovic, "the real power behind the throne." Sell actually calls her "Lady Macbeth" on one occasion. He portrays Markovic as a complete wacko, given to uncontrollable anger; her eyes "vibrated like a scared animal"; "she suffers from severe schizophrenia" with "a tenuous grasp on reality," and is a hopeless "hypochondriac." In addition, she has a "mousy" appearance and a "dreamy" and "traumatized" personality. And like her husband, with whom she shares a "very abnormal

relationship," she has "an autistic relation with the world." Worse still, she holds "hardline marxist views." We are left to wonder how the autistic dysfunctional Markovic was able to work as a popular university professor, organize and lead a new political party, and play an active role in the popular resistance against Western interventionism.

In this book, whenever Milosevic or others in his camp are quoted as saying something, they "snarl," "gush," "hiss," and "crow." In contrast, political players who win Sell's approval, "observe," "state," "note," and "conclude." When one of Milosevic's superiors voices his discomfort about "noisy Kosovo Serbs" (as Sell calls them) who were demonstrating against the mistreatment they suffered at the hands of Kosovo Albanian secessionists, Milosevic "hisses," "Why are you so afraid of the street and the people?" Some of us might think this is a pretty good question to hiss at a government leader, but Sell treats it as proof of Milosevic's demagoguery.

Whenever Milosevic did anything that aided the common citizenry, as when he taxed the interest earned on foreign currency accounts---a policy that was unpopular with Serbian elites but appreciated by the poorer strata---he is dismissed as manipulatively currying popular favor. Thus we must accept Sell's word that Milosevic never wanted the power to prevent hunger but only hungered for power. The author operates from a nonfalsefiable paradigm. If the targeted leader is unresponsive to the people, this is proof of his dictatorial proclivity. If he is responsive to them, this demonstrates his demagogic opportunism.

In keeping with U.S. officialdom's view of the world, Sell labels "Milosevic and his minions" as "hardliners," "conservatives," and "ideologues"; they are "anti-West," and bound up in "socialist dogma." In contrast, Croatian, Bosnian, and Kosovo Albanian secessionists who worked hard to dismember Yugoslavia and deliver their respective republics to the tender mercies of neoliberal rollback are identified as "economic reformers," "the liberal leadership," and "pro-West" (read, pro-transnational corporate capitalist). Sell treats "Western-style democracy" and "a modern market economy" as necessary correlates. He has nothing to say about the dismal plight of the Eastern European countries that abandoned their deficient but enduring planned economies for the merciless exactions of laissez-faire capitalism.

Sell's sensitivity to demagoguery does not extend to Franco Tadjman, the crypto-fascist anti-Semite Croat who had nice things to say about Hitler, and who imposed his harsh autocratic rule on the newly independent Croatia. Tadjman dismissed the Holocaust as an exaggeration, and openly hailed the Croatian Ustashe Nazi collaborators of World War II. He even employed a few aging Ustashe leaders in his government. Sell says not a word about all this, and treats Tadjman as just a good old Croatian nationalist. Likewise, he has not a critical word about the Bosnian Muslim leader Alija Izetbegovic. He comments laconically that Izetbegovic "was sentenced to three years imprisonment in 1946 for belonging to a group called the Young Muslims." One is left with the impression that the Yugoslav communist government had suppressed a devout Muslim. What Sell leaves unmentioned is that the Young Muslims actively recruited Muslim units for the Nazi SS during World War II; these units perpetrated horrid atrocities against the resistance movement and the Jewish population in Yugoslavia. Izetbegovic got off rather lightly with a three-year sentence.

Little is made in this book of the ethnic cleansing perpetrated against the Serbs by U.S.-supported leaders like Tadjman and Izetbegovic during and after the U.S.-sponsored wars. Conversely, no mention is made of the ethnic tolerance and diversity that existed in President Milosevic's Yugoslavia. By 1999, all that was left of Yugoslavia was Montenegro and Serbia. Readers are never told that this rump nation was the only remaining multi-ethnic society among the various former Yugoslav republics, the only place where Serbs, Albanians, Croats, Gorani, Jews, Egyptians, Hungarians, Roma, and numerous other ethnic groups could live together with some measure of security and tolerance.

The relentless demonization of Milosevic spills over onto the Serbian people in general. In Sell's book, the Serbs are aggrandizing nationalists. Kosovo Serbs demonstrating against mistreatment by

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

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

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

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

Sell's rendition of what happened at Rambouillet leaves much to be desired. Under Rambouillet, Kosovo would have been turned into a NATO colony. Milosevic might have reluctantly agreed to that, so desperate was he to avoid a full-scale NATO onslaught on the rest of Yugoslavia. To be certain that war could not be avoided, however, the U.S. delegation added a remarkable stipulation, demanding that NATO forces and personnel were to have unrestrained access to all of Yugoslavia, unfettered use of its airports, rails, ports, telecommunication services, and airwaves, all free of cost and immune from any jurisdiction by Yugoslav authorities. NATO would also have the option to modify for its own use all of Yugoslavia's infrastructure including roads, bridges, tunnels, buildings, and utility systems. In effect, not just Kosovo but all of Yugoslavia was to be subjected to an extraterritoriality tantamount to outright colonial occupation.

Sell does not mention these particulars. Instead he assures us that the request for NATO's unimpeded access to Yugoslavia was just a pro forma protocol inserted "largely for legal reasons." A similar though less sweeping agreement was part of the Dayton package, he says. Indeed, and the Dayton agreement reduced Bosnia to a Western colony. But if there was nothing wrong with the Rambouillet ultimatum, why then did Milosevic reject it? Sell ascribes Milosevic's resistance to his perverse "bunker mentality" and his need to defy the world.

There is not a descriptive word in this book of the 78 days of around-the-clock massive NATO bombing of Yugoslavia, no mention of how it caused the loss of thousands of lives, injured and

...killed thousands more, contaminated much of the land and water with depleted uranium, and destroyed much of the country's public sector industries and infrastructure-while leaving all the private Western corporate structures perfectly intact.

The sources that Sell relies on share U.S. officialdom's view of the Balkans struggle. Observers who offer a more independently critical perspective, such as Sean Gervassi, Diana Johnstone, Gregory Elich, Nicholas Stavrous, Michel Collon, Raju Thomas, and Michel Chossudovsky are left untouched and uncited. Important Western sources I reference in my book on Yugoslavia offer evidence, testimony, and documentation that do not fit Sell's conclusions, including sources from within the European Union, the European Community's Commission on Women's Rights, the OSCE and its Kosovo Verification Mission, the UN War Crimes Commission, and various other UN commissions, various State Department reports, the German Foreign Office and German Defense Ministry reports, and the International Red Cross. Sell does not touch these sources.

Also ignored by him are the testimonies and statements of members of the U.S. Congress who visited the Balkans, a former State Department official under the Bush administration, a former deputy commander of the U.S. European command, several UN and NATO generals and international negotiators, Spanish air force pilots, forensic teams from various countries, and UN monitors who offer revelations that contradict the picture drawn by Sell and other apologists of U.S. officialdom.

In sum, Sell's book is packed with discombobulated insider details, unsupported charges, unexamined presumptions, and ideologically loaded labeling. As mainstream disinformation goes, it is a job well done.

Michael Parenti's recent books are *To Kill a Nation: The Attack on Yugoslavia* (Verso), and *The Terrorism Trap: September 11 and Beyond* (City Lights). His latest work, *The Assassination of Julius Caesar: A People's History of Ancient Rome* has been nominated for a Pulitzer Prize.

www.michaelparenti.org

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23-12-2003

Judge Gabrielle Kirk McDonald, first President of the ICTY at an awards ceremony held at the U.S. Supreme Court on April 5th, 1999:

" [W]e benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the "Mother of the Tribunal".
Cited in Prosecute Putin, George Szamereky, New York Press.

[HTTP://WWW.BAKLAWBASE.ORG/LIBRARY/FA2000/JAN/FA250100.HTML](http://www.baklawbase.org/library/FA2000/JAN/FA250100.html)

NATO SPOKESMAN Jamie Shea, on May 16th 1999, told the press that when "Justice Arban starts her investigation, she will accuse we allow her to. (...) NATO countries are those who have provided the finance to set up the Tribunal we are amongst the majority financiers (...) so let me assure that we and the Tribunal are one on this, we want to see war criminals brought to justice as fast as certain that when Justice Arban goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality (-)"

Press Conference, 16 May 1999 [WWW.NATO.INT/KOSOVO/PRESS/990516b.HTM](http://www.nato.int/kosovo/press/990516b.htm)

NEW ICTY PRES. Judge THEODOR MERON stated last OCTOBER 27th, before the Commission on Security and Cooperation in Europe (CSCE) in Washington: "As you know, the United States took a leading role in the creation of the ICTY and remains a staunch supporter. The US's financial contribution accounts for approximately a quarter of the Tribunal's annual budget of \$120 million."

[HTTP://WWW.CSCE.GOV/WITNESS.CFM?BRIEFING_ID=269](http://www.csce.gov/witness.cfm?BRIEFING_ID=269) TESTIMONY ID: 437

Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: "Nico Varkevisser" <office@globalreflexion.org>; "Dolf Loth" <loh@hesasd.nl>; "Marrie Kardol" <mkardol@mac.com>; "Speerpunt" <speerpunt@wxs.nl>; <hans.hupkes@planet.nl>; "Jan Beentjes" <jbeentjes@mac.com>; "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: dinsdag 23 december 2003 2:27
Onderwerp: Fw: War criminal Wesley Clark testifies at Hague

— Original Message —

From: [nebojsa](#)
To: [Ruza](#)
Sent: Monday, December 22, 2003 12:18 PM
Subject: War criminal Wesley Clark testifies at Hague

War criminal Wesley Clark testifies at Hague

<http://www.workers.org/ww/2003/hague1225.php>

By John Catalinotto

Ex-NATO commander and current U.S. presidential candidate Gen. Wesley Clark began testifying Dec. 15 at the trial of former Yugoslav President Slobodan Milosevic in The Hague, Netherlands.

Outside the courtroom of the International Criminal Tribunal for the Former Yugoslavia, a group of demonstrators protested both Clark's appearance and the court's plans to keep his testimony secret, at least until Dec. 19. U.S. authorities will be allowed to censor any of the testimony they consider endangering U.S. "national interests" if made public.

Two of the protesters held a banner reading, "Yankee kangaroo court secretly fears the truth."

At a news conference organized by the International Committee for the Defense of Slobodan Milosevic across from the court, Canadian attorney Tiphaine Dickson pointed out what lay behind the court's decision to keep the testimony secret. "Any doubt over the political nature of the ICTY has been erased after the judge let it be known that they accepted the conditions the U.S. regime demanded of them."

Many lawyers and law professors have pointed out this court's political nature, and its illegal setup by the United Nations Security Council under U.S. pressure. Among the ICTY's critics have been former U.S. Attorney General Ramsey Clark and Canadian attorney Chris Black.

The court only hears alleged crimes of Yugoslavs. It refuses to hear any charges brought against U.S. or NATO military or political leaders.

Though he poses as a "peace candidate," Gen. Wesley Clark directed the aggressive 78-day U.S.-NATO bombing of Yugoslavia in 1999 and admits responsibility for choosing civilian targets in Serbia during that bombing campaign.

At least three initiatives recognized Clark's responsibility for these crimes by naming him along with other NATO political and military leaders in war crimes indictments.

The three included a war-crimes case in a Belgrade, Yugoslavia, court that found him and the other leaders guilty on Sept. 22, 2000; a request, drafted in 1999 by Toronto law professors Michael Mandel and David Jacobs, that the prosecutor for the ICTY investigate and indict Gen. Clark and others for war crimes; and a June 10, 2000, People's Tribunal organized by the International Action Center and others that found Clark and others guilty of war crimes.

In another repressive move, the ICTY cut President Slobodan Milosevic off from contact with the public, using as an excuse his candidacy in the Dec. 28 national elections in Serbia. The Socialist Party of Serbia chose Milosevic to lead its ticket because the former president has gained in popularity by defending himself and his country expertly and with energy before the ICTY.

Sagittarius

Van: "Ian Johnson" <i-johnson@lineone.net>
Aan: <Undisclosed-Recipient:;>
Verzonden: donderdag 25 december 2003 15:52
Onderwerp: CDSM:Fw: Sloboda Press Release, 24 December

<

Sent: Thursday, December 25, 2003 11:58 AM
Subject: Sloboda Press Release, 24 December 2003

>most urgent

>

> THE HAGUE TRIBUNAL BANS THE VISIT OF THE 5-YEARS OLD GRANDSON MARKO TO

> PRESIDENT MILOSEVIC DUE TO THE ELECTIONS IN SERBIA!

>

> Sloboda Press Release, 24 December 2003

>

> The Hague Tribunal has banned today the visit of the grandson Marko and
> daughter-in-law Milica to President Slobodan Milosevic. The visit had to
> take place on Saturday, December 27 and had been already officially
> approved.

> The Tribunal decided that a new date for the visit can be only after the
> elections in Serbia.

>

> Is 5-years old Marko a political factor in the Serbian elections or the
> employees of the Tribunal appeared in so big panic to start to loose
> common

> sense and last human considerations?

>

> And finally, is the Hague Tribunal a participant in the 28 December
> Serbian

> elections?

>

> The last examples of the open and blatant violation of human rights and
> justice committed by the Tribunal show not only that the Tribunal
> participates in the political life and in the elections in Serbia, but
> also

> that the tribunal will be the biggest loser in these elections. Since in
> 2003 Serbian elections the winner will be the truth.

>

> The victory of the truth means end of the tribunal and freedom for Serbia.

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Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: "Jan Beentjes" <jbeentjes@mac.com>; "Nico & Neeltje" <sagitar@hetnet.nl>;
 <hans.hupkes@planet.nl>
Verzonden: donderdag 25 december 2003 1:34
Onderwerp: Fw: Milosevic liked Tito's recipe for dealing with Albanian murderers, rapists and criminals

— Original Message —

From: [nebojsa](#)
To: [Ruza](#)
Sent: Sunday, December 21, 2003 3:32 AM
Subject: Fw: Milosevic liked Tito's recipe for dealing with Albanian murderers, rapists and criminals

FYI

— Original Message —

From: [nebojsa](#)
To: [JaredI@aol.com](#)
Sent: Sunday, December 21, 2003 3:27 PM
Subject: Milosevic liked Tito's recipe for dealing with Albanian murderers, rapists and criminals

Jared,

I'm sending you this just in case that you haven't seen it already. Can you believe that Mr Milosevic would be so stupid to show in front of General Clark his admiration for the massive killing of criminal Albanians (mostly saboteurs and deserters from Yugoslav Army) which President Tito ordered in 1946. And that Gen. Clark memorised and after so many years can remember the name of the small Serbian village Drenica. Gen. Clark is either a genius or an ordinary liar. I would bet on the last one.

Regards,
 Nebojsa

Clark on Kosovo:

President Milosevic was musing philosophically about this. And he turned to me and said, "Gen. Clark," he said, "We know how to handle these murderers, these rapists, these criminals." He said, "We've done this before." I said, "Well, when?" He said, "In Drenica in 1946." And I said, "What did you do?" He said, "We killed them." He said, "We killed them all." I was stunned at the vehemence with which he spoke, and I just looked him.

Excerpts From Clark's Milosevic Testimony

By The Associated Press

December 18, 2003, 1:52 PM EST

<http://www.newsday.com/news/nationworld/world/wire/sns-ap-clark-excerpts,0,7870627.story?coll=sns-ap-world-headlines>

Excerpts from the transcript released Thursday of testimony by former Gen. Wesley Clark at the war crimes trial of former Yugoslav leader Slobodan Milosevic at The Hague, Netherlands:

Clark on Srebrenica:

I simply asked him. I said, "Mr. President, you say you have so much influence over the Bosnian Serbs, but how is it then, if you have such influence, that you allowed Gen. (Ratko) Mladic to kill all those people in Srebrenica?" And Milosevic looked at me and he paused for a moment. He then said, "Well, Gen. Clark," he said, "I warned Mladic not to do this, but he didn't listen to me."

* —

He (Milosevic) was answering that he did know this in advance, and he was walking the fine line between saying he was powerful enough, influential enough to have known it but trying to excuse from himself the

responsibility for having done it.

* —
His admission to me was so stunning at that point that I then recall telling the delegation later about this, because I viewed that as an admission that he had foreknowledge of Srebrenica. And what I could not tell was whether or not he was telling the truth when he said he told him not to do it and he didn't listen. But I did take it as an acknowledgment of foreknowledge of what was going to happen at Srebrenica.

* —
Milosevic, questioning Clark:

Gen. Clark, this is a blatant lie. First and foremost because we did not talk about Srebrenica at all, and secondly because I, throughout this time, through all of those years, I never issued a single order to Gen. Mladic or was I in a position to issue him an order. ... I, for example, believe firmly until the present day that Gen. Mladic did not order any execution of people in Srebrenica. I believe that this was done by a group of mercenaries.

* —
Clark on Kosovo:

President Milosevic was musing philosophically about this. And he turned to me and said, "Gen. Clark," he said, "We know how to handle these murderers, these rapists, these criminals." He said, "We've done this before." I said, "Well, when?" He said, "In Drenica in 1946." And I said, "What did you do?" He said, "We killed them." He said, "We killed them all." I was stunned at the vehemence with which he spoke, and I just looked him.

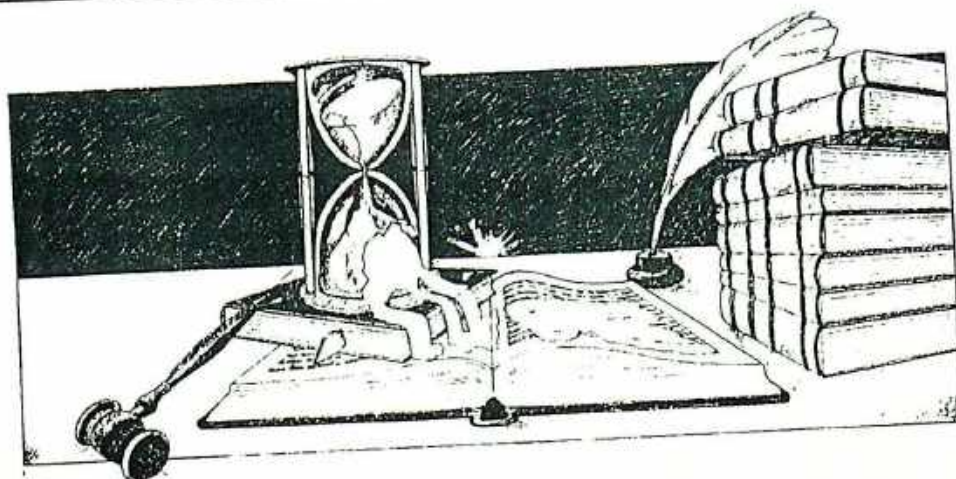
* —
I took it as a real indicator, a warning of his state of mind. And I looked at the body language of the other officials who saw the outburst, and what they saw was a kind of fierce irrationality on the part of the accused which would brook no discussion and no argumentation.

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RECHT IN ZICHT

In deze rubriek wordt een juridisch vraagstuk uitgelegd aan de hand van een maatschappelijke gebeurtenis. Dit betekent dat een juridisch relevante gebeurtenis wordt gebruikt als kapstok om inzicht te geven in een rechtsonderwerp. Het doel is uitleg, de actualiteit is hulpmiddel. De rubriek is vooral gericht op de beginnende student. De bijdragen worden geschreven op uitnodiging van de redactie.



Het proces Milosevic (2002)

Dr. E. van Shiedregt*

Het Milosevic proces is nog gaande, maar reeds nu al historisch te noemen. Milosevic zal de geschiedenis ingaan als het eerste (ex-)staatsvoofd dat terechtstaat voor een internationaal straftribunaal. Hieronder volgt een korte bespreking van 'Milosevic in Den Haag'.

1 INLEIDING

Op 29 juni 2001 werd Slobodan Milosevic, voormalig staatshoofd van Joegoslavië, vanaf de SFOR-basis in het Bosnische Tuzla overgebracht naar de *UN Detention Facility* in de Scheveningse gevangenis. De beelden van zijn aankomst per helikopter staan menigeen nog helder voor ogen. De komst van Milosevic veroorzaakte grote drukte bij het Joegoslavië Tribunaal en weken na zijn aankomst stonden er nog steeds dranghekken om nieuwsgierigen op afstand te houden.

De zaak IT-02-54, *Prosecutor v. Slobodan Milosevic* ging, na wat juridische schermutselingen waarover hieronder meer, op 12 februari 2002 van start. De media-aandacht voor de zaak was over-

weldigend, niet in de laatste plaats door de opstelling van de verdachte Milosevic gebruikt de rechtszaal als politiek podium. Vooral in de beginfase van het proces liet hij geen gelegenheid ongebruikt om de legitimiteit van het tribunaal en de onpartijdigheid van de rechtsgang in twijfel te trekken. Rechter May, die de zaak voorziet, was niet van zijn retoriek gediend en heeft meerdere malen de microfoon uitgezet zodat veel van Milosevic protest onverstaanbaar blijft.

De zaak Milosevic is een interessant schouwspel, doch wekt enige bevreemding wanneer bekeken vanachter het glas dat de publieke tribune scheidt van de rechtszaal. Het voormalig staatsvoofd, door Richard Holbrooke in zijn memoires bewonderend beschreven als een 'silver fox', is ver-

* Ely van Shiedregt is docent/onderzoeker internationaal recht aan de Universiteit Utrecht.

De overlevering van Milosevic aan het Tribunaal verdient niet de schoonheidsprijs. Vooral wanneer we bedenken dat de aanklager haar zaak tegen de verdachte nog niet rond had en dat Milosevic in voorarrest zat op verdenking van geheel andere misdrijven. Onder verwijzing naar artikel 9 van de Universele Verklaring van de Rechten van de Mens, artikel 9 IVBPR en artikel 5 EVRM, en in het verlengde van Milosevic verwijt dat hij gekidnap was, wezen de *amici curiae* op de onrechtmatigheid van zijn aanhouding en overbrenging naar het Tribunaal. Genoemde bepalingen waarborgen het recht op vrijheid en eisen dat vrijheidsbeneming slechts plaatsvindt op basis van een procedure naar geldend recht. De aanklager weerlegde dit verweer met het argument dat onrechtmatigheid van de aanhouding niet aan ontvankelijkheid van de strafvervolgning in de weg hoeft te staan. Deze stelregel, ook wel aangeduid als *male captus bene detentus*, lijkt op internationaal niveau nog steeds weerklank te vinden⁴, in tegenstelling tot de rechtsgang op nationaal niveau waar de 'male captus regel' het steeds vaker aflegt tegen een geslaagd beroep op mensenrechtenschendingen.⁵ De aanklager vond echter bij de rechter een gewillig oor en zo baarte ook dit verweer Milosevic niet.

*De overlevering van Milosevic
aan het Tribunaal
verdient niet de schoonheidsprijs*

Milosevic preliminaire bezwaren richtten zich vervolgens tot Nederland als gastland van het Tribunaal. In een kort geding tegen de staar betoogde een groep advocaten namens Milosevic dat Nederland onrechtmatig had gehandeld jegens Milosevic door 'mee te werken aan het besluit van de Veiligheidsraad tot de instelling van het vermeende Tribunaal dat zich evident niet verdraagt met de fundamentele mensenrechten'.⁶ Verder betoogden zij dat Nederland bij uitsluiting bevoegd was kennis te nemen van een vordering tot invrijheidstelling. De

kort geding rechter oordeelde onder verwijzing naar de Tadic uitspraak van de Beroepskamer van het Tribunaal, dat de oprichting en instelling van het Tribunaal wel degelijk kan worden gebaseerd op artikel 41 van het VN Handvest en derhalve rechtmatig is. Hij voegde daaraan toe dat het Tribunaal wel de voorzieningen biedt ter bescherming van de rechten van de verdachte, waaronder onpartijdigheid en onafhankelijkheid van de rechtsgang.⁷ Voorts verklaarde hij zich onbevoegd kennis te nemen van de primaire vordering tot invrijheidstelling nu Nederland de rechtsmacht om van deze vordering kennis te nemen, heeft overgedragen aan het Tribunaal.⁸

Ook de gang naar het Europese Hof mocht Milosevic niet baten. Zijn klacht werd niet-ontvankelijk verklaard nu hij niet de 'domestic remedies'⁹ had uitgeput.¹⁰

*Milosevic heeft niet zelf - fysiek -
deelgenomen aan de moorden,
verkrachtingen en deportaties
die hem ten laste zijn gelegd*

**5 ACTIEF LEIDERSCHAP: JOINT
CRIMINAL ENTERPRISE**

Milosevic heeft niet zelf - fysiek - deelgenomen aan de moorden, verkrachtingen en deportaties die hem ten laste zijn gelegd. Hij bevond zich verre van het strijdtonel, hetgeen niet wil zeggen dat hij niets met deze misdrijven te maken had. Integendeel, hij heeft vermoedelijk een zeer *actieve* rol vervuld. Als leidinggevende staat hij terecht voor het plannen, bevelen en aanzetten tot genocide, misdrijven tegen de mensheid en oorlogsmisdrijven. Het Statuut van het Joegoslavië Tribunaal bevat in Artikel 7(1) een viertal strafrechtelijke deelnemingsvormen.¹¹ Een vijfde, *joint criminal enterprise* is ontwikkeld in de jurispru-

4 Tenzij het gaat om ernstige mensenrechtenschendingen, in dat geval dient ook te worden afgezien van het uitoefenen van rechtsmacht. Dit is bepaald door het Tribunaal in *Prosecutor v. Dugan Nikolic*, Decision of Defence Motion challenging the exercise of jurisdiction by the Tribunal, IT-94-2 PT, 9 October 2002.

5 *Stocké v. Germany*, 13 European Human Rights Reports, 126; *United States v. Tananino*, 500 F.2d 267 (2d Cir. 1974); *State v. Ebrahim*, 31 ILM 888 (1992); *R v. Horseferry Road Magistrate's Court, ex p. Bennett* 3 All ER (1993); *Alvarez Machain v. U.S.*, No. 99-56762 (11 September 2001).

6 Rechtbank 's-Gravenhage, 31 augustus 2001, LJN nr. A133266, zaaknr. KG 01/975, r.o. 2.

7 Onder verwijzing naar een uitspraak van het Europese Hof van de Rechten van de Mens inzake *Malefic v. Kroatie* van 4 mei 2000 (Appl. no. 51891/99).

8 Zie noot 5, r.o. 3.6.

9 Artikel 35 lid 2 EVRM.

10 *Milosevic v. Nederland*, 19 maart 2002 (Appl. no. 77631/01).

11 Artikel 7(1) van het Statuut van het Joegoslavië Tribunaal (artikel 6(1) van het Statuut van het Rwanda Tribunaal) luidt: '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'.

dentie. Het is deze vijfde vorm die centraal staat in alle drie de aanklachten tegen Milosevic. Op grond van deze deelnemingsvorm is degene die deel uitmaakt van een *joint criminal enterprise* als medepleger aansprakelijk voor misdrijven gepland door de 'enterprise' en gepleegd door anderen.

dat *joint criminal enterprise* een ruime invulling krijgt. Niet alleen de geplande misdrijven leveren aansprakelijkheid op, ook misdrijven die te beschouwen zijn als voorzienbare gevolgen van deze plannen leiden tot strafrechtelijke aansprakelijkheid. *Joint criminal enterprise* is te vergelijken met het Nederlandse 'deelneming aan een criminele organisatie' dat strafbaar is gesteld in artikel 140 Sr. Het schuldbestanddeel van *joint criminal enterprise, dolus eventualis*, lijkt op het Nederlandse voorwaardelijk opzet waar sprake is van opzet wanneer iemand de aanmerkelijke kans op strafbare feiten bewust aanvaardt.

De strategie van de aanklager is helder. Milosevic heeft, samen met een aantal naaste medewerkers, een terreurcampagne gevoerd met het doel delen van Bosnië Herzegovina, Kroatië en Kosovo etnisch te zuiveren. Hij heeft anderen bevolen en aangezet tot het plegen van misdrijven en daartoe afspraken gemaakt met zijn naaste medewerkers. De aanklager dient van deze afspraken en bevelen bewijs te overleggen. Dit blijkt lastig met betrekking tot *direct evidence*. Geen van de aanklachten bevat verwijzingen naar specifieke bevelen, bijvoorbeeld om over te gaan tot het deporteren van Bosnische moslims, Kroaten of Kosovaren. Aanklager Geoffrey Nice, Q.C.¹² heeft verklaard dat telefoongesprekken tussen Milosevic en Karadzic zijn onderschept. Tot op heden is echter niet duidelijk wat de inhoud van deze gesprekken is. Het ziet er naar uit dat veel van het bewijs tegen Milosevic indirect bewijs, *circumstantial evidence*, zal zijn. Het feit dat veel van de misdrijven op grote schaal en op systematische wijze zijn gepleegd, zou er op kunnen duiden dat ze op het hoogste regeringsniveau zijn gepland.

6 PASSIEF LEIDERSCHAP: SUPERIOR RESPONSIBILITY

Mocht de aanklager het bestaan van een *joint criminal enterprise* niet kunnen bewijzen dan kan

12 Q.C. (Queen's Council) is een (kwality)predicaat voor een barrister in Engeland en Wales - red.
13 Artikel 7(3) van het Statuut van het Joegoslavië Tribunaal (artikel 6(3) van het Statuut van het Rwanda Tribunaal) luidt: "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

ze haar toevlucht zoeken tot een andere aansprakelijkheidsgrond: *command of superior responsibility* vastgelegd in artikel 7(3) van het Statuut.¹³ Alle drie de aanklachten bevatten als subsidiaire aansprakelijkheidsgrond *superior responsibility*. Op grond van dit begrip kan Milosevic aansprakelijk worden gehouden als *superior leader* van zijn naaste en misdrijven, gezegd naar zijn ondergeschikten, te voorkomen dan wel te bestraffen. Daartoe dient de aanklager te bewijzen dat er (i) een hiërarchische relatie was tussen Milosevic en de fysieke dader, (ii) dat Milosevic op de hoogte was van de misdrijven dan wel dat er informatie voorhanden was die hem daarvan op de hoogte had kunnen stellen en (iii) dat Milosevic de misdrijven had kunnen voorkomen of bestraffen en hij dat niet gedaan heeft.



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Superior responsibility vertoont gelijkenis met het concept feitelijk leidinggeven in het Nederlandse strafrecht en de drie vereisten komen overeen met de zogenaamde 'ijzerdraad criteria' van functioneel daderschap.¹⁴ Op grond van deze begrippen kunnen in Nederland werkgevers strafrechtelijk aansprakelijk gehouden worden voor misdrijven gepleegd door hun werknemers.¹⁵

Het huidige vervolgingsbeleid van de aanklager concentreert zich, ten koste van *superior responsibility*, op het begrip *joint criminal enterprise*. Aanvankelijk kwam *joint criminal enterprise* niet voor in de drie aanklachten tegen Milosevic. Het concept blijkt echter uitermate geschikt om door anderen gepleegde misdrijven toe te rekenen aan het brein achter de misdrijven. De mogelijkheid om niet alleen de geplande misdrijven, maar ook de voorzienbare gevolgen van de geplande misdrijven toe te rekenen aan de deelnemers aan een

had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof".

14 IIR 23 februari 1954, NJ 1954, 368 (Ijzerdraad); IIR 1 juli 1981, NJ 1982, 80 (Kabeljauwvangst)

15 Zie: IIR 19 november 1985, NJ 1986, 125 (Slavenburg I); IIR 16 december 1986, NJ 1987, 321 (Slavenburg II).

joint
a

Sagittarius

Van: "Ruza" <despot@tiscali.nl>
Aan: "Jan Beentjes" <jbeentjes@mac.com>; <hans.hupkes@planet.nl>; "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: donderdag 25 december 2003 1:42
Onderwerp: Fw: Serbs will vote for the jailbirds

— Original Message —

From: [nebojsa](#)
To: [Ruza](#)
Sent: Wednesday, December 24, 2003 7:32 AM
Subject: Serbs will vote for the jailbirds

In Clark-Milosevic Dual, Serbia's Government May Lose

Commentary, Terence Sheridan,

Pacific News Service, Dec 23, 2003

http://news.pacificnews.org/news/view_article.html?article_id=d0ba404ca727908796dcf3f292cddbe8

Editor's Note: Prosecutors at The Hague were jubilant at U.S. presidential hopeful Wesley Clark's testimony against former Yugoslavian president Slobodan Milosevic. But on the streets Belgrade the mood is different, the writer says. Anger at government corruption and perceived U.S. duplicity may bring parliamentary seats to ultra-nationalists led by Milosevic, who is campaigning from his jail cell. Could a trial of Saddam Hussein bring similar unintended consequences?

BELGRADE--Act as your own lawyer and you have a fool for a lawyer. So it's said. But not in the case of former Yugoslav President Slobodan Milosevic, a lawyer by training but a bully by choice, a onetime brutal autocrat now on trial for war crimes before a United Nations tribunal in The Hague.

He has nothing to lose, so he showboats for the tribe, puts America on trial and hopes that history will be kind. And what has worked for Slobodan Milosevic in Belgrade could work for Saddam Hussein, another dangerous egomaniac, in Baghdad.

When Wesley Clark, a Democratic candidate for president of the United States, testified last week that Milosevic had foreknowledge of the Serbian massacre of 7,000 Bosnian Muslims in 1995, U.N. prosecutors almost danced in the streets.

This was astounding information: According to Clark, Milosevic told Clark, then a three-star general, during a meeting in Belgrade, a month after the massacre, that he knew about the worst atrocity in Europe since World War II before it happened.

It went to the very heart of the 66-count indictment against Milosevic: individual and command responsibility for war crimes committed by subordinates in Croatia, Bosnia and Kosovo from 1991 to 1999, during the breakup of Yugoslavia.

In Belgrade, however, the capital of former Yugoslavia and now the capital of Serbia-Montenegro, Clark's appearance at the trial was viewed as a showdown between liars, and Clark told the biggest lie.

In a downtown restaurant, an anti-Milosevic lawyer, who is also vehemently against the current government and asked that his name not be used, held forth: "I'm supposed to believe that for eight years Clark, the general in command when NATO bombed Yugoslavia, had information on genocide and he didn't shout it until he's running for president?"

A waiter listening in asked: "Tell me, will there ever come a time when an American is put on trial for war crimes?"

This is just a small sample of negative reaction in Belgrade a day after the videotape of Clark's

closed-session testimony was made public. Clark, the 281st prosecution witness in a trial that began in February 2002, nailed Milosevic on what happened after a Bosnian Serb general, Ratko Mladic, attacked Srebrenica, a hill town in eastern Bosnia, in July 1995.

Clark, speaking about Aug. 17, 1995: "'How could you have allowed General Mladic to kill all those people in Srebrenica?' and Milosevic replied, 'Well, General Clark, I warned Mladic not to do this, but he didn't listen to me.'"

Milosevic responded at the trial by calling Clark "a blatant liar." That resonated in a city bombed by a U.S.-led coalition -- where people were told, in effect, that the bombing was for their own good and that they should be grateful.

The English-speaking lawyer again, three sheets to the wind, but in fine form and talking to six people and a tape recorder: "Americans dealt with Milosevic when it suited them. Why didn't Clark run to The Hague court in August 1995 and tell them he had the goods on Milosevic? Instead, three months later, he was drinking with Milosevic in Dayton, Ohio. That's when Milosevic was being called a peacemaker, the man who helped end the Bosnian war."

Milosevic was, the lawyer continued, considered by the United States a "peacemaker" until 1999, when NATO bombed Yugoslavia. "Then he was a war criminal. He was indicted while he was being bombed, along with me and many others who were against the thug."

He went on: "It's like Iraq. You used Saddam when it suited you, assisted him in his war on Iran, your enemy at the time. But when he touched Kuwait and the oil, you came down on him like a pack of wolves.

"Now you have set up a council to rule Iraq, just like you set up a post-Milosevic government here, so-called 'democrats' who plundered and backstabbed and who are about to go under. And you wonder why people respond to Milosevic's rants. They aren't for Milosevic; they are against America -- a cynical and duplicitous America."

He ended with a warning. "Pay attention, my American friend, to the vote on Dec. 28."

The reference was to parliamentary elections in Serbia, in which Milosevic is running a political campaign from a jail cell in the Netherlands, heading the electoral list of his once powerful Socialist Party. (Serbia and Montenegro remain semi-independent states with their own legislative bodies.)

If Milosevic's party and its ultra-nationalist ally, the Radical Party, do well in Sunday's elections, the lawyer feels he will have made his point: Given a choice between American-backed candidates and jailbirds (the Radical Party's president, Vojislav Seselj, is also charged with war crimes), Serbs will vote for the jailbirds.

PNS contributor Terence Sheridan (neven@EUnet.yu) is a freelance writer based in Belgrade.

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Haagse bajesklanten trekken stemmen in Servië

27-12-2003
Achtergrond | Milosevic en Seselj spelen cruciale rol bij aanstaande parlementsverkiezingen

Slobodan Milosevic mag vanuit zijn Haagse cel geen campagne meer voeren. Maar de schaduw van het tribunaal hangt zwaar over de Servische parlementsverkiezingen van morgen.

Van onze correspondent
Olaf Tempelman
BOEKAREST

Politiek blijft een verslaving, tot in de gevangenis toe. Was het voor Saddam Hussein de afgelopen maanden moeilijk invloed uit te oefenen op de Iraakse politiek, geheel anders lag de situatie bij dat andere gevallen staatshoofd, Slobodan Milosevic. Terwijl de voormalige Iraakse leider in kuilen onder de grond het stof uit zijn baard moest kloppen,

begon de ex-president van Servië de dag in de cel vrolijk en gladgeschoren met een reeks telefoontjes naar Belgrado. Milosevic bracht in die gesprekken niet alleen onschuldige gevangenisanekdotes te berde. Nogal wat politieke en media-connecties in de Servische hoofdstad wachten, alvorens tot handelen over te gaan, eerst de Haagse instructies van vriend Slobodan af.

Op 12 december maakte het Joegoslavië-Tribunaal bekend dat het telefoonedgedrag van het ex-staatshoofd dermate ongezonde propoties had aangenomen dat het noodzaak was geweest Milosevic' contact met de buitenwereld aan banden te leggen. Hetzelfde is gebeurd met de ultra-nationalistische politicus Vojislav Seselj, vroeger leider van paramilitaire groeperingen en sinds zijn komst naar Den Haag in februari ook een grote telefoonzondaar. Zowel Milosevic als Seselj heeft

volgens het tribunaal de regels omtrent het babbelen met de buitenwereld gebroken 'met het oogmerk politiek campagne te voeren in de media'. De vrees is dat de uitlevering van de twee allermist het einde is geweest van hun invloed op de Servische politiek.

Die vrees is niet ongegrond. Ook al zit hij achter dikke Haagse tralies, Milosevic is bij de Servische parlementsverkiezingen van morgen gewoon lijststrekker van zijn Socialistische Partij. Seselj staat als vanouds op de eerste plaats bij de ultra-nationalistische Radicalen.

De populariteit van Milosevic is in vergelijking met vroeger gering. Die van Seselj, in het verleden de man die vaak de vieze karweitjes voor Milosevic opknapt - 'Kroatische ogen moeten met roestige theelepeltjes worden uitgeschept' - lijkt groter dan ooit. Volgens allerhande omineuze peilingen zullen zijn Radicalen morgen

met een kwart van de stemmen als grootste partij uit de bus komen. Dat Seseljs enkele reis Den Haag de ultra-nationalisten geen wind-eieren heeft gelegd, bleek ook al bij de mislukte presidentsverkie-

Elke kieslijst is 'opgefleurd' met een verdachte

zingen van vorig maand. Als er wél genoeg Serviërs op het stem-bureau *acte de présence* hadden gegeven, was Seseljs tweede man Tomislav Nikolic, grafdelver van beroep, nu president van Servië geweest.

Bajesklanten in Den Haag incasseren electorale winst in Belgrado. Het lijkt steeds meer een patroon te worden. Volgens de

Servische premier Zoran Zivkovic, de opvolger van de in maart door de mafia vermoorde Djindjic, komt dat niet alleen door hun tot voor kort overspannen getelefoneer naar huis. Het komt volgens hem ook door de aanhoudende druk op zijn regering verdachten uit te leveren en de nadruk die het tribunaal steeds legt op de Servische schuld aan de oorlogen, terwijl substantiële economische hulp uitblijft. Verpaupering en vernedering - althans in de ervaringswereld van nogal wat van de inwoners - drijven mensen in de armen van precies de verkeerde partijen. Niemand die impliciet meer reclame heeft gemaakt voor Seselj en zijn boevenbende dan tribunaal-hoofd Carla del Ponte, aldus Zivkovic.

Tribunaal-verdachten maken kieslijsten 'sexy', lijkt bij de verkiezingen van morgen welhaast een gebod. De huidige Servische minister van Binnenlandse Zaken,

Dusan Mihajlovic, heeft de lijst van zijn Liberale Partij opgefleurd met een door Del Ponte aangeklaagd politiehoofd. De voormalige chefstaf van de Joegoslavische strijdkrachten, Nebosja Pavkovic, ook door Del Ponte besteld, participeert met een eigen lijst. En als generaal Ratko Mladic sinds anderhalf jaar het openbare leven niet zorgvuldig zou mijden, was hij waarschijnlijk ook een leuke lijstduwer geweest.

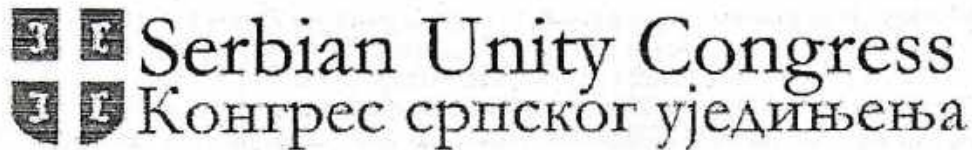
De pro-westerse partijen en verkiezingsallianties - waarvan slechts een gedeelte bereid is het tribunaal volledig tegemoet te komen - zullen morgen vrijwel zeker geen parlementaire meerderheid halen. Het beste scenario is een nieuwe regering met 'gematigde' nationalist. Het betekent dat de Servische relatie met het tribunaal in een nabije toekomst nog meer dan nu gekenmerkt zal worden door spanning en wederzijds onbegrip.

Sagittarius

Van: "Ruza" <despot@fiscali.nl>
Aan: "Nico & Neeltje" <sagitar@hetnet.nl>
Verzonden: zaterdag 27 december 2003 1:15
Onderwerp: Fw: [SERB-INFO 2211] General Clark's self aggrandizement by Vojin

— Original Message —

From: Serbian Unity Congress
To: info@serbianunity.net
Sent: Friday, December 26, 2003 11:40 AM
Subject: [SERB-INFO 2211] General Clark's self aggrandizement by Vojin Joksimovich



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General Clark's self aggrandizement by Vojin Joksimovich

December 26, 2003

General Wesley Clark, former supreme NATO commander in Europe and now a presidential candidate, testified at the International Tribunal for the Former Yugoslavia (ICTY) as a witness against former president of Serbia and Yugoslavia Slobodan Milosevic, December 15-16 in the Hague. Clark directed NATO's 1999, 78 day, bombing campaign of Yugoslavia and was the chief military negotiator of the 1995 Dayton Accords which terminated the war in Bosnia. His testimony was conducted behind closed doors and sealed for some 48 hours, while the U.S. government experts combed it for possible violations of so called "national security interests."

Clark arrived with an army of lawyers and PR aides. The tribunal web site advertised the telephone numbers of his PR experts. I have carefully studied 224 pages of the transcript. Walked away with an impression that Clark is becoming a pathetic figure basking in self-aggrandizement. Milosevic asked him a simple question about a comment made by his former boss, Chairman of the Joint Chiefs of Staff, Henry Shelton. Shelton said that the reason Clark came out of Europe early had to do with integrity and character issues. Clark proceeded to deliver a 10-minute monologue telling everybody how great of a guy he is. He even quoted public remarks made by Secretary Cohen, who refused to speak to him until the seventh day of the war. When Milosevic said: "I am asking him about Shelton," the presiding judge, Englishman Richard May, let him continue.

The same judge told Milosevic: "Remove the picture, please. This has nothing to do with the evidence." Milosevic intended to show the picture of a Kosovo Liberation Army (KLA) commander holding two beheaded Serbian heads. Clark stated: "I don't accept the definition of the KLA as a terrorist organization." It should be noted that several prior Western witnesses testified that the KLA was a terrorist organization. Clinton's special envoy to the Balkans, Robert Gelbard said so. Several UN resolutions referred to terrorism in Kosovo. Milosevic countered: "Very well Mr. Clark, you are now on record saying that these happy KLA members holding the severed Serbian heads in this photo aren't terrorists."

Earlier this month a team of investigators, posing as members of the Real IRA, funded by London's Daily Mirror infiltrated a KLA cell in Pristina and purchased from them 13.5 kg of Semtex, "enough

Septex to blow up Oxford Street and the Houses of Parliament or down 40 Lockerbie jets," or to arm 30 suicide bombers. "We made our deal in Kosovo, a breeding ground for fanatics with Al Qaeda link. Our contact was the deputy commander of the KLA, Niam Behlulji, known as Hulji. The group was trained by bin Laden's men. Hulji, is said to supply terrorists across Europe and has been accused of massacring Serbian women and children during the war. He even posed grinning for a photograph, holding the severed head of one his victims."

Judge May allowed Clark to contact Bill Clinton during the testimony, to ask him to send a letter or fax supporting his claims. He was then allowed to read out Clinton's fax, calling him a great officer and Milosevic a liar, despite the fact that Judge May invariably warns witnesses that during the break they are not allowed to talk to anyone. The man who was impeached by the House of Representatives because he lied to the grand jury called Milosevic a liar!!

Judge May imposed restrictions on Milosevic's cross-examination which were nothing short of He has narrowed down the scope of the questions to the exclusion of the NATO 78-day war and Clark's book "Waging Modern War." Thus the scope was reduced to just the conversations between Clark and Milosevic. Milosevic said: "So you are not allowing me to put a single question in relation to the crimes that the witness committed against my country? Judge May: "These sort of allegations which you make are not matters which can be debated now, or indeed at any time probably in this trial." The behavior of Judge May, helped me cement the picture about the ICTY. Clark's testimony proved beyond shadow of the doubt that the Milosevic trial is a farce. Clark was shielded from tough questions by Judge May's robes.

The UN Security Council established ICTY in 1993, with prodding and financial support primarily from the U.S. and Germany. It is the court with scandalous protocol to achieve political objective to convict, e.g. no beyond reasonable doubt, no jury, prosecutor/judge alliance, hearsay evidence allowed, ex post facto and writ of habeas corpus violated, anonymous witnesses, no subpoena for defense, etc. ICTY has been assailed across political spectrum as NATO's political instrument. Several distinguished lawyers characterized the court as "Medieval star chamber," and "It is not victor's justice, it is no justice at all."

Milosevic is conducting his own defense. He lives in a 9x15 foot jail cell, uses pay phone, his taped conversations are handed over to the prosecutor. Two full time Serbian lawyers plus supporters in Belgrade are helping him with the research. In contrast, the ICTY has a staff of 1100 and annual budget of \$100 million. Frustrated with the cost and slow pace, UN member nations are behind with financial contributions forcing the ICTY to dip into peacekeeping accounts to sustain prosecutions. Speaking of slow pace, the other two domestic key players in the tragic Yugoslav wars: Croatian president Franjo Tudjman and Bosnian Muslim president Alija Izetbegovic, have died before the ICTY was ready to serve the indictment notices. Given his poor health, Milosevic might die in the courtroom.

Back to the transcript. As an individual knowledgeable about the Bosnian and Kosovo wars, I found Clark's testimony void of substance. He did not have much to say. He appeared to be the emperor with no clothes. The Scottish poet, Robert Burns, captured well Clark's behavior in his poem, "To a Louse: "Would the Lord the giftie gie us to see ourselves as others see us." Another quotation comes to mind. Poet's Virgil's complaint about the gossips of Rome: "Suggestio Falsi; Suppressio Veri," (They promote what is false and suppress what's true).

In contrast to my reactions, the media headlines have been: "Milosevic warned of massacre" or "Milosevic was guiding force behind atrocities." The New York Times reported that Milosevic "had advanced knowledge of the plan to massacre Muslims in the Bosnian town of Srebrenica in 1995...Clark's testimony was crucial for the prosecution case against Milosevic because it provided fresh evidence that he was aware of Serbian wartime atrocities and failed to prevent them or punish those responsible." Let us examine closely this "fresh evidence."

President Clinton sent Ambassador Richard Holbrooke to the Balkans in August 1995 to begin the negotiations that would end the war in Bosnia. Lieutenant General Clark was a military man in his delegation. His title was the chief of Plans for the Joint Chiefs of Staff. For the first time the six-member delegation met with Milosevic on August 17 for six hours. Holbrooke has provided an account of this meeting in his book "To End a War." In no uncertain terms Holbrooke told Milosevic: "You must speak for Pale (Bosnian Serbs). We won't deal with them ever again." Holbrooke decided that the next meeting with Milosevic, on August 18, needed to be smaller. Clark was dropped. Not a word in Holbrooke's book about Clark's dialogue with Milosevic regarding Srebrenica."

Clark claimed that when Holbrooke took a toilet break, he and Joseph Kruzel approached Milosevic. Clark allegedly asked: "Mr. President, you say you have so much influence over the Bosnian Serbs, but how is then, if you have such influence, that you allowed General Mladic to kill those people in Srebrenica." Milosevic allegedly replied: "Well, General Clark, I warned Mladic not to do this but he didn't listen to me." Clark then claimed that when he said "kill all those people," it was not a military operation, it was the massacre. Therefore Milosevic had foreknowledge of the massacre! It is common sense that nobody knew in advance it would be a massacre other than the All Mighty. Milosevic countered by claiming that Clark's statement was a blatant lie. "First and foremost because we did not talk about Srebrenica at all, and secondly because I, throughout this time, through all of those years, I never issued a single order to General Mladic."

The only individual who could have corroborated this alleged conversation was Kruzel. However, he died shortly thereafter. Holbrooke asked Milosevic for a safer land route to reach Sarajevo, rather than the using "the most dangerous road in Europe over Mount Igman, as he says in his book. Milosevic's secretary, Goran Milinovic, came back within 20 minutes with a fax from General Mladic guaranteeing safe passage. Clark testified that he has never seen such a fax! Clark met Mladic beforehand in a session characterized as cordial.. Holbrooke, however, would not accept a guarantee from Mladic. The three American diplomats: Robert Frazure, Joseph Kruzel and Nelson Drew lost their lives, as their armored vehicle tumbled four hundred meters down the mountain, as a result of this vanity.

Clark cynically tried to downgrade Milosevic's leading role as the peacemaker in the Dayton negotiations by agreeing with that but concluding therefore that he must have taken leading role on the battlefield! He faulted Milosevic for his alleged intention to kill all KLA terrorists. Is it not the U.S. intention to kill all Al Qaeda terrorists? Clark displayed ignorance of the Balkan history when he talked about Serb "repression" of Albanians in 1946.

Clark claimed that under the UN Resolution #1199, NATO was authorized to use force, which is false. No words to that effect. He had no knowledge that in the time frame October-December 1998, after signing of the Holbrooke-Milosevic agreement, there were 470 KLA terrorist attacks! He did not respond to Milosevic's question: "How many civilians did they (KLA) need to kill and soldiers and policemen for the state to be legitimately struggling against it, to take measures against it?" Clark went as far as claiming that he saved 1.5 million Albanian lives. This number exceeds the total Kosovo Albanian population at the time. Milosevic countered: "You caused a humanitarian catastrophe. You did not save anyone. I assume that you know that the Helsinki final act explicitly authorizes states to fight against terrorism in their own territory and that no other state has the right to stop it or prevent it from doing that. You interfered in this conflict and you took the side of the terrorists."

In the KLA insurrection from Northern Albania, 1998-March 99, about 2000 fatalities had been recorded, primarily between the combatants, one third being the Serb fatalities. The "humanitarian" war, had an anti-humanitarian outcome: more than three times the number of fatalities with high percentage of the civilian ones, \$130 billion damage and the ecocide. In the post NATO war phase, in the presence of initially 45,000 NATO peacekeepers reduced now to 17,000 plus 4000 UN policemen, 6445 Albanian terrorist attacks have been recorded, 1194, mostly Serbs but also Albanians were murdered, 1136 abducted presumed dead, 250,000 ethnically cleansed, 112 Serbian-Orthodox churches demolished, graves desecrated, the remaining minorities living in NATO guarded ghettos. After 4.5 years of NATO occupation, the Amnesty International has concluded that there was no freedom of movement, only 2% of those ethnically cleansed have returned. Kosovo is a human rights black hole, society based on organized crime, with the UN mission declaring terrorist operations of the Albanian National Army (ANA).

As a presidential candidate, General Clark, has been lambasting president Bush for conducting a wrong war in Iraq. He portrays himself as the triumphant commander of Kosovo, and uses the lessons of Kosovo and Bosnia as a success model in contrast with Bush's incompetence in Iraq. He is even getting away with it as his interviewers, are essentially ignorant about the Balkans. It boils down to that had president Bush replicated Clark's Kosovo model, Iraq would have been milk and honey rather than a goddamn mess! The truth is that Kosovo has been a goddamn mess from day one of Clark's involvement until the present day.

General Clark's military credentials need to be challenged as well. Instead of celebrating his "big victory over Milosevic" by virtue of having a victory parade on the 5th Avenue in New York as in the case of Desert Storm, he ended up in an involuntary premature retirement. The Kosovo war violated

the National Military Strategy. It wasn't the war Pentagon wanted to fight. There was the institutional split between the State Department and the Pentagon as well as the CIA. Even if Milosevic were a tyrant and his retaliations brutal, should NATO have allied itself with the KLA? Clark not only sided with the State Department but was a lead warmonger together with Secretary Albright. He even pressured Sandy Berger, the National Security adviser to go along.

In his book, bitterness towards own bosses at Pentagon dominates Clark's account of running the military aspects of the war. Cohen, Shelton, and Army Chiefs General Dennis Reimer were villains in his tale more so than Milosevic. Clark's insatiable desire for a ground war, which would have split NATO, was vetoed. He even succeeded in convincing Tony Blair. Clark wanted to take 200,000 troops over non-existing roads in Albania, as Macedonia refused to allow passage through its territory, and over Mount Pashtrik, 2000 meters high, to "sweep the Serbs from the field." His Pentagon peers thought that the plan was outright ludicrous. His request to use Apache helicopters did not "pass any kind of common-sense test." It ended up in a fiasco.

Clark claimed how he spent 100 hours with Milosevic. Sold the White House and NATO allies that Milosevic was going to capitulate after 4-5 days of bombing. The Rand Corporation report called this a "misjudgment of near-blunder proportions that came close to saddling the U.S. and NATO with a costly and embarrassing failure." When Milosevic did not capitulate, Clark started incessantly bombing the Serbian infrastructure and would not even pause for the Easter despite the plea from the Pope.

It was Russian/G-8 diplomacy that ended the war, not Clark's defeat of the Yugoslav army. The Yugoslav army had not lost an inch of territory in Kosovo and ended up substantially unscathed despite Clark's initial claims that NATO killed 5000-6000 Yugoslav soldiers, damaged or destroyed 151 tanks or 40%, 269 armored vehicles (APCs) and 427 artillery pieces, or 60%. NATO's subsequent assessment concluded that only a handful of tanks (13 to be exact), 18 APC's and 20 artillery pieces were damaged. NATO's planes were hitting decoys over and over again. NATO found hundreds of dummy tanks or decoys made of wood. In a way, NATO's military doctrine was humiliated.

Clark made another boo-boo. When he discovered that a unit of some 200 Russian peacekeepers from Bosnia was on the way to secure the Pristina airport, he ordered the British general, Michael Jackson, to use the British and French paratroopers to storm the airport. This would have caused the most frightening crisis with Russia since the Cold War end. The British general openly defied him and refused to obey the order: "I'm not going to start WWII for you." Jackson got full support from the British Government, while Clark was brushed-off in Washington.

"Vojin Joksimovich, Ph.D., is the author of "Kosovo Crisis: A Study in Foreign Policy Mismanagement."

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Verzonden: zondag 28 december 2003 4:07
Onderwerp: Fw: Red Duke Seselj addresses his party, public from ICTY

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

From: [nebojsa](#)
To: Ruza
Sent: Saturday, December 27, 2003 11:30 AM
Subject: Red Duke Seselj addresses his party, public from ICTY detention

IN SPITE OF COMMUNICATION BAN THE HAGUE "TRIBUNAL" ALLOWS VOJISLAV SESELJ TO ADDRESS HIS PARTY VIA TELEPHONE

Seselj addresses his party, public from ICTY detention

Tanjug - December 25, 2003

18:56 BELGRADE, Dec 25 (Tanjug) - Serbian Radical Party (SRS) President Vojislav Seselj said on Thursday that the most important thing was that the SRS win at least 84 seats at the forthcoming elections "so that nobody can legally and regularly change the Serbian Constitution next year," that is "plant different regionalisation ideas and other forms of destruction of the Serbian state."

In his statement for the public at the end of election campaign, Seselj, who is indicted of war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTY), addressed the public by phone from the Scheveningen detention unit, and all persons present at his office, including leading party persons, his eldest son Nikola and journalists, could talk with him.

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Onderwerp: Fw: Milosevic's Name on the Ballot Signals Serbian Nationalism

— Original Message —

From: [nebojsa](#)
To: [Ruza](#)
Sent: Saturday, December 27, 2003 5:23 AM
Subject: Milosevic's Name on the Ballot Signals Serbian Nationalism

Milosevic's Name on the Ballot Signals Serbian Nationalism

Other vote-seeking ploys by the dozens of parties running include the promise of a return of the monarchy to Serbia, and the appearance on one list of **Josip Broz, a grandson of Tito**, the former Communist leader of the now vanished Yugoslav federation.

By **NICHOLAS WOOD**

Published: December 27, 2003

<http://www.nytimes.com/2003/12/27/international/europe/27SERB.html?ex=1073106000&en=7a7f9aa6e461ae71&ei=5040&partner=MOREOVER>



BELGRADE, Serbia, Dec. 26 — It is symbolic of Serbia's increasingly nationalistic mood that Slobodan Milosevic, the former president who is on trial on war crimes charges in The Hague, is running in the parliamentary elections here on Sunday.

Polls suggest that the most seats will be won by the hard-line nationalist Radical Party led by Vojislav Seselj, now also a prisoner in The Hague and a partner in Mr. Milosevic's war-making in the 1990's. Nationalists also won recent parliamentary elections in Croatia, Serbia's archrival, where they have just formed a government.

Mr. Milosevic, who heads the list for the Serbian Socialist Party and is thus likely to win election, and Mr. Seselj are among four leading war crimes suspects who are running for office in elections on Sunday, even though they have been indicted by the international criminal tribunal for the former Yugoslavia in the Netherlands.

The elections were called in October by the Serbian prime minister, Zoran Zivkovic, after the collapse of his coalition government.

The government came to power in January 2001, three months after mass protests forced Mr. Milosevic from office, and it handed him over to the United Nations tribunal in The Hague in June that year.

government began to founder after that, and in March was shaken by the assassination of the prime minister, Zoran Djindjic. Now the loose coalition that forced Mr. Milosevic out has ceased to exist, and nationalists who once shared power with Mr. Milosevic are dictating the tone of the election campaign.

Serbia faces enormous problems: unemployment officially around 13 percent, and probably much higher; a bureaucracy essentially unreformed from the Communist era; and organized crime, which flourished during Mr. Milosevic's 13-year rule when his policies led to increasing diplomatic and economic isolation.

Yet the question that has dominated a largely lackluster campaign is whether Serbia should cooperate with the Hague tribunal, which has always been viewed by many here as biased against Serbs, who make up the bulk of those indicted.

American and European aid depends in large part on Serbia's cooperation with the tribunal. But antipathy toward the court increased, diplomats and local commentators here say, after the court's chief prosecutor, Carla Del Ponte, issued four new indictments against members of the Serbian security forces, one of whom, Sreten Lukic, is a deputy minister of police. The government has refused to hand over the suspects, and declared on Friday that Gen. Ratko Mladic, the Bosnian Serb war commander wanted for genocide and other war crimes, was not in Serbia.

The government's statement was in line with the way that parties on all sides of the political spectrum have sought to highlight their opposition to the court.

In addition to Mr. Milosevic and Mr. Seselj, the former Yugoslav Army commander, Nebojsa Pavkovic, who is wanted for atrocities committed by his forces in Kosovo in 1999, is a candidate for the Socialist People's Party and Mr. Lukic is a candidate for the Liberal Party.

A poll by the Belgrade-based Strategic Marketing agency this week predicted that the Radical Party would be the largest single party in Parliament, with perhaps 25 percent of the votes cast.

Neither Mr. Milosevic nor Mr. Seselj would be able to take a seat in Parliament, and the two were banned by the Hague tribunal from taking any active role in the campaign after court officials learned the Serbian Socialist Party had used a tape-recorded telephone conversation with Mr. Milosevic calling on Serbs to vote for it.

Rebeka Bozovic, deputy president of the Liberal Party, blamed Ms. del Ponte's announcement just ahead of the election campaign for giving the ultranationalist Radicals a significant boost.

"My genuine belief is that Mrs. Del Ponte was the best head of an electoral campaign that the Radical Party could ever have had," she said in an interview.

The Liberal Party is a member of the current coalition government and was once in favor of cooperation with the tribunal. The party's leader, Dusan Mihajlovic, was among those responsible for Mr. Milosevic's arrest and subsequent deportation to The Hague.

She said the backlash against Mrs. Del Ponte's announcement had left the party with little choice but to seek Mr. Lukic's support.

"We saw from the polling that there was no chance of a regular campaign," she said, explaining why they had invited him to join the party. "It is an honor to have him on the list."

Other vote-seeking ploys by the dozens of parties running include the promise of a return of the monarchy to Serbia, and the appearance on one list of Josip Broz, a grandson of Tito, the former Communist leader of the now vanished Yugoslav federation.

There are six main contenders for seats, and "each of the parties that aspires to Parliament is looking to come up with a certain style or personality by which it would be different, and shape their identity," said Zarko Trebjesanin, a professor of psychology at Belgrade University.

Parties fielding war crimes suspects, he said, were counting on a tradition of spite — "inat" in Serbian — toward the tribunal in The Hague to help them win more votes, even though it could be detrimental to Serbia's long-term interests.

Most people understand that Europe or the U.S. is not going to be happy with Seselj or Milosevic being on the party lists," Mr. Trebjesanin said. People voting for these parties, he said, would in many cases "do it out of spite even if it is no good for themselves."

The Liberal Party, whose leader has been dogged by allegations of corruption during his tenure as interior minister, has adopted a black sheep as its electoral emblem. Ms. Bozovic said the black sheep represented something that could be admired by "going against the flow."

"People are loving it," she said. "Everybody wants to have the badge and the T-shirt!"

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 Verzonden: woensdag 31 december 2003 21:59
 Onderwerp: Milosevic trial sets precedent: US granted right to censor evidence

Milosevic trial sets precedent: US granted right to censor evidence

By Paul Mitchell
 31 December 2003

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Earlier this month the US government demanded and received the right to censor testimony at the International Criminal Tribunal for the former Yugoslavia (ICTY).

A press release issued before Democratic Presidential candidate Wesley Clark gave evidence at the trial of former Yugoslav President Slobodan Milosevic said Clark's testimony would be given in closed session. The press release also said the normally simultaneous broadcast of the testimony would "be delayed for a period of 48 hours to enable the US government to review the transcript and make representations as to whether evidence given in open session should be redacted in order to protect the national interests of the US."

Milosevic faces 66 counts of war crimes and genocide allegedly committed in Croatia, Bosnia and Kosovo in the 1990s. Clark was commander of the 78-day NATO bombing campaign against Yugoslavia in 1999 that destroyed much of Serbia's industrial infrastructure and left thousands of civilians dead.

There have been several attempts to prosecute Clark himself for war crimes committed during the NATO bombing. In that year a group of Canadian lawyers and academics asked the ICTY to investigate and indict Clark and others for war crimes in Yugoslavia saying that there was "overwhelming evidence that the attack was unlawful and that the conduct of the attack [was] on civilian objects." Former US Attorney General Ramsey Clark has also accused Clark and other leaders of war crimes and crimes against humanity and in September 2000 a Belgrade court found Wesley Clark and other Western leaders guilty.

However, the ICTY has refused to indict any US or NATO military or political leaders as it deals out victors' justice on behalf of the western powers.

Clark has admitted the illegal basis on which NATO fought a war of aggression in Kosovo. In his book *Fighting Modern War*, Clark says the war "was coercive diplomacy, the use of armed forces to impose the political will of the NATO nations on the Federal Republic of Yugoslavia, or more specifically, on Serbia."

The Bush administration is keen to see Milosevic found guilty and so wanted Clark to testify. But its primary concern is to protect US officials from ever facing trial for war crimes and to prevent any act of military aggression on its part being judged illegal. To this end it has refused to ratify the International Criminal Court and bribed and bullied governments to promise that they will never prosecute US officials or military personnel.

At the ICTY testimony involving US citizens has been carefully controlled. The *Washington Post* prevented a former reporter Jonathan Randall from appearing at the trial of Radoslav Brdjanin, a Bosnian Serb accused of genocide and persecution. The testimony given at Milosevic's trial by William Walker, the former head of the Kosovo Verification Mission, was restricted to the alleged massacre at Racak that provided the pretext for the NATO bombing of Serbia.

The Bush administration is also concerned that Milosevic has based his self-defence on pointing the finger at his accusers and charging them with war crimes. This, and the prosecution's inability to produce a "smoking gun" to prove Milosevic's guilt, has weakened the court's credibility. Charges of genocide have been dropped against all but one of those accused at the ICTY. With most of the convictions based on individual crimes against humanity, the premise that Milosevic organised a systematic ethnic cleansing campaign has been undermined.

The appearance of Clark at the ICTY was therefore fraught with dangers. He has played a key role in the US drive to establish its world hegemony. Before he became NATO Supreme Allied Commander, he was Director for Strategic Plans and Policy for the Joint Chiefs of Staff with responsibilities for worldwide US military strategic planning. In this capacity he was part of the team negotiating the Dayton Accord ending the five-year war in Bosnia. This is where Clark first met Milosevic who was granted a key role under the accord in policing and enforcing the agreed peace formula.

From 1996 to 1997 Clark served as Commander-in-Chief of the US Southern Command in Panama where he was responsible for the direction of military activities in Latin America and the Caribbean.

US officials have downplayed the extent to which they censored Clark's testimony saying, "Nothing was redacted, only one thing related to the US government ... He gave very specific testimony about Milosevic's intentions. Nothing about Milosevic has been cut."

In one respect this is true. A close reading of the transcript shows that the prosecution were determined to focus on Milosevic's role and prevent any revelations about US or NATO "intentions" emerging and any discussion of the NATO action. Judge Richard May went along with this, preventing Milosevic from pursuing any areas that fell outside Clark's carefully restricted and vetted testimony.

Beginning his cross-examination Milosevic pointed out the unprecedented nature of the court's acquiescence in the face of US pressure saying, "I don't quite understand the position of this witness ... representatives of the government of his country may be able to review the transcript, to approve some of it, to redact some of it possibly, and only then to release it to the public. I am not aware of any legal court in the world delegating its authority of this kind to any government. This would be the first time for any such thing to happen."

Judge May quickly prevented Milosevic from elaborating stating, "We are not going to argue this point. We have made our order. The reason that the government have any rights in the matter at all is this, that in order to provide information to this Court, it is occasionally—and I stress occasionally—necessary for governments to do so, and they are allowed to do so under our Rules on certain terms, and these are one of the terms which has been followed in this case."

When Milosevic tried to question Clark about his book *Fighting Modern War* with the words, "General Clark, in your book you say that the NATO military action against Yugoslavia in the spring of 1999 could not be called a war," May again intervened:

"I don't think we are going to have that debate. That's precisely what I have been talking about. You're not allowed a free-ranging discussion about the NATO action."

May also prevented Milosevic asking Clark, "Is it true that in an interview that you gave to the *New Yorker* on the 17 November you said that the war you waged was technically illegal?" and declaring that Clark had "given no evidence about the legality of the war."

That the US government was allowed to censor evidence at an international court set up by the United Nations in a Western democracy and presided over by a British judge speaks volumes about the nature of international justice. It also indicates the type of justice Saddam Hussein will face should he ever come to trial in US-occupied Iraq.

If Milosevic had been given free rein to question his accusers such as Clark, he could have provided ample evidence, not only of the years in which the US enjoyed close relations with his regime but of how Washington set out to provoke a war in order to seize control of the Balkan region, using the pretext of human rights abuses by Serbia. The parallels with Iraq are obvious. The only difference in the case of Saddam Hussein is that the record of US support for his regime is longer and the pretext used for war is more flimsy and discredited.

See Also:

[The Milosevic Trial: Last prime minister of Yugoslavia breaks 12-year silence](#)

[11 November 2003]

[Behind the Milosevic trial: the US, Europe and the Balkan catastrophe](#)

[4 July 2001]

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Getuigen van Kosovo

9-1-2009

Stefan Blommaert: De ondergang van Slobodan Milošević.
Atlas, 368 blz. € 22,50

Stefan Blommaert, die de afgelopen jaren bij elke nieuwe crisis voor de Vlaamse Radio en Televisie (VRT) verslag heeft gedaan vanuit ex-Joegoslavië, heeft met *De ondergang van Slobodan Milošević* een uiterst onderhoudend en helder boek geschreven, dat overigens over méér gaat dan de ondergang alleen. Blommaert begint zijn relaas begin 1999 in Kosovo, in Račak om precies te zijn, waar in januari van dat jaar een massamoord op Kosovaren plaatsheeft die later de aanleiding vormt voor de Kosovo-oorlog. In het boek volgt Blommaert de gebeurtenissen: de conferentie van Rambouillet, de NAVO-oorlog zelf, de nasleep in Kosovo, uiteindelijk de val van Milošević in oktober 2000. En hij stelt ook de gebeurtenissen ná de val van Milošević aan de orde: de vrije verkiezingen in Kosovo, de gevechten in Zuid-Servië, de oorlog in Macedonië en de verkiezingen in Montenegro – ontwikkelingen waarop Milošević zelf geen invloed heeft uitgeoefend maar die wel, als erfenis van zijn heerschappij, onlosmakelijk met hem verbonden zijn. Zelfs de moord op Zoran Djindjić in maart vorig jaar kon nog in het boek worden verwerkt.

De grote verdienste van Blommaerts boek is dat het is opgeschreven als een doorlopende reportage van een man die er steeds met zijn neus bovenop stond. Hij graaft niet al te diep en weidt niet al te ver uit, maar geeft de achtergrondinformatie die nodig is om de ontwikkelingen in een helder perspectief te plaatsen – een grote verdienste, te meer omdat hij bij alle ontwikkelingen van belang daadwerkelijk ter plaatse was; ook bij de Kosovo-oorlog die hij zowel in Belgrado als in Kosovo volgt.

Die reportagevorm leest prettig, het nadeel is alleen dat Blommaert verslag doet van gebeurtenissen die hij op het moment waarop ze plaatsvinden soms nog niet in perspectief kan plaatsen. Daar staat weer tegenover dat Blommaerts achtergrondkennis groot is, zodat dat nadeel zich net zo vaak niet voordoet. Eén voorbeeld: als tijdens de Kosovo-oorlog de NAVO de Servische televisie RTS bombardeert, is Blommaert erbij. Hij doet – begrijpelijk: zestien mensen, collega's, zijn omgekomen – met een ondertoon van verbazing verslag van het bombardement en tekent een petitie waarin vraagtekens worden geplaatst bij het nut ervan. Ergens op die pagina's had de lezer misschien toch kunnen worden verteld dat later, in het Servië van ná Milošević, de directeur van de RTS, Dragoljub Milanović, tot tien jaar gevangenisstraf is veroordeeld om-



Slobodan Milošević Foto Dusan Vranic

dat hij wist dat de RTS zou worden gebombardeerd en zijn staf niettemin had verboden naar de schuilkelders of naar huis te gaan. Het incident komt later in het boek nog even aan de orde, bij de val van Milošević, maar de veroordeling van Milanović wordt niet meer gemeld.

Er resten hier en daar nog kleine vraagtekens. Werd Milošević aanvankelijk wegens zijn 'antibureaucratische revolutie' inderdaad vergeleken met Gorbatsjov? Ik geloof er niets van. Door wie dan wel? De 'revolutie' was een angst-aanjagende stoomwals, de terreur van straat en massa. Zo zag de hele buitenwereld die revolutie en zo ook de Serviërs die zich *niet* lieten hypnotiseren. Milošević' aanhangers hadden bovendien niets met Gorbatsjov: ze maakten helemaal geen vergelijkingen, want ze hadden hun eigen heiland gevonden.

Als gezegd: kleine vraagtekens. Een mooi boek.

IT-02-54-AR73.6
A76-A62
20 JANUARY 2004

76
SC

**UNITED
NATIONS**



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

Case: IT-02-54-AR73.6

Date: 20 January 2004

Original: English

IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron, Presiding
Judge Fausto Pocar
Judge Mohamed Shahabuddeen
Judge Florence Mumba
Judge Inés Mónica Weinberg de Roca

Registrar:

Mr. Hans Holthuis

Decision of:

20 January 2004

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON THE INTERLOCUTORY APPEAL BY THE AMICI CURIAE
AGAINST THE TRIAL CHAMBER ORDER CONCERNING
THE PRESENTATION AND PREPARATION OF THE DEFENCE CASE**

Counsel for the Prosecutor:

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dermot Groome

The Accused:

Slobodan Milošević

Amici Curiae:

Mr. Steven Kay, QC
Mr. Branislav Tapušković
Mr. Timothy L.H. McCormack

1. This appeal concerns the Trial Chamber's order granting the Accused three months to prepare his defence and requiring him to file, within six weeks of the adjournment, a list of witnesses and exhibits he intends to present.

Procedural Background

2. The Accused, Slobodan Milošević, was indicted on 24 May 1999 and transferred to the custody of the Tribunal on 28 June 2001.¹ The Accused pleaded not guilty, and his trial commenced on 12 February 2002.
3. On 2 September 2003, the Trial Chamber held a Status Conference to discuss the anticipated conclusion of the Prosecution's case and the necessary preparations for the presentation of the Defence case.² The Accused requested a continuance of over two years to prepare his defence, pointing to the fact that he is conducting his own defence, the complexity of the case, a large number of witnesses he anticipated to present, and the extensive material disclosed by the Prosecution which he must examine. Stressing the same considerations, the *amici* seconded the Accused's request for an adjournment of considerable duration, though they did not suggest a specific period. On 17 September 2003, the Trial Chamber issued its ruling, granting the Accused an adjournment of three months to prepare his defence and requiring him to file, within six weeks of the adjournment, a list of witnesses and evidentiary exhibits he intends to present.³ Upon a request by the *amici*, the Trial Chamber certified its decision for an interlocutory appeal.⁴ The Chamber noted that the request fell within the scope of the Trial Chamber's instructions that the *amici* act in any way they consider appropriate to secure a fair trial to the Accused and that it could be construed as a request for certification from the Accused's application for a two-year continuance.⁵

¹ Additional indictments against the Accused were filed on 8 October 2001 and 22 November 2001.

² See *Prosecutor v. Milošević*, IT-02-54-T, Scheduling Order for a Status Conference, 2 July 2003; Transcript of the 2 September 2003 Status Conference.

³ *Prosecutor v. Milošević*, IT-02-54-T, Order Concerning the Preparation and Presentation of the Defence Case, 17 September 2003 ("Order Concerning Preparation").

⁴ *Prosecutor v. Milošević*, IT-02-54-T, Decision Granting Request by the *Amici Curiae* for Certification of Appeal Against a Decision of the Trial Chamber, 25 September 2003.

⁵ *Ibid.*, at 3 (citing *Prosecutor v. Milošević*, IT-02-54-T, Order Inviting Designation of *Amicus Curiae*, 30 August 2001). For the Trial Chamber's additional instructions to the *amici*, see *Prosecutor v. Milošević*, IT-02-54-T, Order Concerning *Amici Curiae*, 11 January 2002; *Prosecutor v. Milošević*, IT-02-54-T, Order of Further Instruction to the *Amici Curiae*, 6 October 2003. The *amici* filed their appeal on 1 October 2003. *Prosecutor v. Milošević*, IT-02-54-T, Interlocutory Appeal by the *Amici Curiae* Against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case Dated 17 September 2003, filed on 1 October 2003 ("Appeal"). The Prosecution responded on 10 October 2003. *Prosecutor v. Milošević*, IT-02-54-T, Response to Interlocutory Appeal Filed by the *Amici Curiae* on 1 October 2003 Against the Trial Chamber's Order Concerning the Presentation and Preparation of the Defence Case Dated 17 September 2003, filed on 10 October 2003. On 22 October 2003 the Appeals Chamber,

Admissibility of Appeal

4. Rule 73 of the Rules of Procedure and Evidence, pursuant to which this appeal is brought, entitles "a party" to appeal a decision of the Trial Chamber after having requested and obtained certification. The rule does not confer such a right upon an *amicus curiae* appointed by a Trial Chamber pursuant to Rule 74. The *amici* do not act as representatives of the Accused at trial, but solely as assistants to the Trial Chamber.⁶ Not being a party to the proceedings, the *amici* are not entitled to use Rule 73 to bring an interlocutory appeal. The fact that the *amici* were instructed by the Trial Chamber to take all steps they consider appropriate to safeguard a fair trial for the Accused does not alter this conclusion.

5. However, as the Trial Chamber observed, there is an identity of interests between the *amici* and the Accused with respect to the issue presented in this appeal. After the Trial Chamber announced its decision to set the adjournment at three months, the Accused stated that he "categorically protest[s] against this ruling."⁷ The Accused added: "Every decision or ruling can be re-examined and abolished, and that is my request and demand, that it be rethought."⁸ These statements by the Accused, considered in context of his prior request for a continuance in excess of two years, indicate that the *amici*'s present request is aligned with that of the Accused, and that the Appeals Chamber's consideration of this appeal would not infringe his interests. Nor is there a danger of unfairness to the Prosecution. The Prosecution does not oppose the consideration of the appeal; in fact, the Prosecution represented to the Trial Chamber its willingness to accept the *amici* as a party for these purposes.⁹ It is also to be noted that in this case the consideration of the appeal serves the interests of justice. In these circumstances, the Appeals Chamber decides to consider the appeal.

on its own initiative, invited the Accused, if he so wishes, to file a brief in this appeal. See *Prosecutor v. Milošević*, IT-02-54-T, Order on the Schedule of Briefing, 22 October 2003. The Accused has not done so.

⁶ See *Prosecutor v. Milošević*, IT-02-54-T, Reasons for Decision on the Prosecution Motion Concerning Assignment of Counsel, 4 April 2003, para. 3 ("the role of the *Amicus Curiae* would not be to represent the Accused, but to assist the court"); Transcript of the 30 August 2001 Status Conference, at 6-7.

⁷ Transcript of the 17 September 2003 Hearing, at 4.

⁸ *Ibid.*

⁹ *Prosecutor v. Milošević*, IT-02-54-T, Prosecution Response to the Request by the *Amici Curiae* Dated 18 September 2003 for a Certificate Pursuant to Rule 73(B), 24 September 2003, para. 2.

Discussion

6. The *amici* argue that both periods set out by the Trial Chamber are unreasonably short for the Accused to prepare a meaningful defence, and ask the Appeals Chamber to replace them with "such longer period[s] that [are] both adequate and sufficient for the preparation of the Accused's case."¹⁰ The *amici* argue that in reaching its decision the Trial Chamber failed to consider, or gave insufficient thought to, the following factors: (a) the relatively short period of time in which the case came to trial; (b) the considerable time available to the Prosecution to prepare its case; (c) the voluminous Prosecution disclosure; (d) the scope and number of issues raised in the indictment; (e) the ill health of the Accused; (f) the fact that the Accused represents himself and lacks resources comparable to the Prosecution; (g) the fact that the Prosecution has not yet completed its case; and (h) the fact that Prosecution intends to submit new witnesses.¹¹ As the *amici* point out, the Prosecution disclosed to the Accused a total of 350,000 pages, with extensive disclosure taking place during the last few months of the trial.¹² To support a showing of the Accused's ill health, the *amici* attach reports from examining physicians, who concluded that the Accused is suffering from high blood pressure exacerbated by fatigue.¹³ The *amici* also argue that the Trial Chamber erred in relying on the fact that the Accused is assisted by two legal assistants, because it did not consider any evidence as to the nature and extent of that support.¹⁴

7. As the decisions of the Tribunal hold, and as the *amici* acknowledge, the Trial Chamber's order may be overturned only if the Chamber has erred in the exercise of its discretion in setting the time limits.¹⁵ The *amici* must demonstrate that the Trial Chamber "has given weight to extraneous or irrelevant considerations, or that it has failed to give weight or sufficient weight to relevant considerations, or that it has made an error as to the facts upon which it has exercised its discretion."¹⁶ In examining whether the Trial Chamber has considered appropriate factors in sufficient measure, the Appeals Chamber is not limited to the text of the order issued by the Trial Chamber. While a Trial Chamber has an obligation to provide reasons for its decision, it is not required to articulate the reasoning in detail.¹⁷ The fact that the Trial Chamber did not mention a

¹⁰ Appeal, paras 2, 5, 19.

¹¹ *Ibid.*, para. 7.

¹² *Ibid.*, paras 12-15 and accompanying tables.

¹³ *Ibid.*, para. 16 and confidential Annex A.

¹⁴ *Ibid.*, para. 8.

¹⁵ *Prosecutor v. Delalić*, IT-96-21-A, Judgment, 20 February 2001 ("*Čelebići* Appeal Judgment"), paras 292-293; Appeal, para. 6.

¹⁶ *Prosecutor v. Milošević*, IT-99-37-AR73, IT-01-50-AR73, IT-01-51-AR73, Reasons for Decision on Prosecution Interlocutory Appeal from Refusal to Order Joinder, 18 April 2002, para. 5 (citations omitted).

¹⁷ *Prosecutor v. Kunarac*, IT-96-23, Judgment, 12 June 2002, para. 41 ("the Trial Chamber has an obligation to set out a reasoned opinion"); *Čelebići* Appeal Judgment, para. 481 ("A Trial Chamber is not required to articulate in its

particular fact in its written order does not by itself establish that the Chamber has not taken that circumstance into its consideration.¹⁸ The verbal commentary by the Presiding Judge which accompanied the announcement of the ruling and the colloquy which took place during the preceding Status Conference are also relevant to the question of whether the Trial Chamber gave the issues involved due consideration.

8. The Trial Chamber's order expressly referred to the facts that the Accused is representing himself and that, being in detention, he has limited resources at his disposal.¹⁹ In announcing the ruling, the Presiding Judge of the Trial Chamber, Judge May, also stated that the Trial Chamber has considered the duration of the trial and the time the Accused has already spent in detention.²⁰ With respect to the latter factor, Judge May noted that during this time (2 years and 3 months), the Accused "had the opportunity to consider and make preparations for his defence."²¹ Judge May reiterated that the Chamber has considered the fact that the Accused "has elected to represent himself" and underscored that "the Tribunal should provide appropriate logistical assistance to enable the accused to prepare his defence whilst in detention."²² In general, Judge May explained, in designing the order, the Trial Chamber has "balance[d] the need for the accused to have adequate time for the preparation of his case and the need for an expeditious trial."²³

9. During the 2 September Status Conference, convened to discuss the preparation of the Defence case, the Trial Chamber mentioned similar considerations. Judge May noted that the Trial Chamber will consider how the applicable Rules of Procedure and Evidence of the Tribunal can be adapted "to take account of the fact that the accused is appearing in person."²⁴ He also indicated the Chamber will consider that "the accused must make the preparations for his defence while he is in custody," and "the resources which the Prosecution have as against the resources which he [the Accused] has."²⁵ Judge May added that the Chamber "will consider what is a reasonable amount of time for the accused to have to prepare his case" and "what

judgement every step of its reasoning in reaching particular findings."); *Prosecutor v. Kupreškić*, IT-95-16-A, Appeal Judgment, 23 October 2001 ("Kupreškić Appeal Judgment"), para. 458 (same).

¹⁸ *Kupreškić Appeal Judgment*, para. 458 ("failure to list in the Trial Judgment, each and every circumstance placed before [the Trial Chamber] and considered, does not necessarily mean that the Trial Chamber either ignored or failed to evaluate the factor in question").

¹⁹ Order Concerning Preparation, at 2.

²⁰ Transcript of the 17 September 2003 Hearing, at 1 ("The Trial Chamber has [] taken into consideration the fact that the trial has already taken 19 months. The accused has been in detention for two years and three months....").

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Transcript of the 2 September 2003 Status Conference, at 1-2.

²⁵ *Ibid.*, at 6.

practical arrangements can be made in order for him to prepare witnesses and to prepare exhibits and generally to prepare his case."²⁶

10. The lead counsel for the *amici*, Steven Kay, was asked to express his views on the time the Accused would need to prepare his case. He expressly identified many of the factors he now argues the Trial Chamber has failed to consider. First, he referred to the quick pace in which the case was brought to trial subsequent to the arrest of the Accused: "If we start from the date of his [the Accused's] arrest, which was in June 2001, he was very quickly at the trial stage by February 2002."²⁷ Mr. Kay argued that during that period the Accused could not have engaged in a "meaningful preparation of any defence because of the scale of the papers and the issues that had to be dealt with pre-trial."²⁸ Nor, in Mr. Kay's view, could the Accused have undertaken this preparation subsequent to the trial's commencement, because he was "continuously involved in dealing with the many issues that the case has provided."²⁹

11. Mr. Kay also reminded the Chamber that the Accused "has very limited resources available to him and limited support."³⁰ The only "direct team" the Accused has had were "the services of two associates and whatever support they can muster."³¹ Mr. Kay then asked the Chamber to bear in mind the disparity in resources between the Accused and the Prosecution as well as the complexity of the case confronting the Accused.³² Mr. Kay also called upon the Chamber to "reflect as to the length of the time the Prosecutor has had for the preparation of their cases," and contrasted it with the fact that for the Accused, "it is a fresh case, and it is a case that he has to present with no previous history of litigation to draw upon."³³

12. The colloquy between the bench and the lead *amici* counsel then turned to such factors as the convenience of the Trial Chamber or of the Tribunal. In arguing for a lengthy recess, Mr. Kay acknowledged that such a prolonged break "may be inconvenient for the system, and [] may be inconvenient for the life of this Tribunal."³⁴ Judge May responded: "You refer to the

²⁶ *Ibid.*

²⁷ *Ibid.*, at 7.

²⁸ *Ibid.*

²⁹ *Ibid.*, at 7-8. The Accused similarly emphasized that, since the filing of the first indictment against him, the Tribunal had "all sorts of witnesses coming forward, depositions, statements, and so on, and some of them even go back to 1993, 1994, and 1995." *Ibid.*, at 3-4.

³⁰ *Ibid.*, at 8.

³¹ *Ibid.*

³² *Ibid.*, at 8-9.

³³ *Ibid.*, at 9.

³⁴ *Ibid.*, at 10.

convenience of the Tribunal or the Court. Those, of course, are totally irrelevant matters."³⁵ Instead, Judge May emphasized, the relevant considerations are, on one hand, the need for the criminal trial of the Accused to proceed and, on the other, the need "to ensure that there is a fair trial, and that does involve the accused in having an adequate time, which must be a matter of judgement, in order to present his case."³⁶

13. During the Status Conference the Trial Chamber also ascertained, and the *amici* confirmed, that the Accused was able to obtain material relevant to the preparation of his defence, as evidenced by the detailed questions posed by the Accused on cross-examination.³⁷ Mr. Kay expressly acknowledged, in response to a query from Judge Robinson, that an adequate preparation of the defence case depends not only on the time the Accused is given to prepare but also on the facilities made available to him.³⁸ Mr. Kay stated that, where a defendant is given a period of time less than two years but is provided with significant facilities and resources, that may be sufficient to ensure adequate preparation.³⁹

14. The Trial Chamber also addressed the matter of having the Accused prepare and present a list of witnesses he intends to call. As a part of the colloquy on this issue, Mr. Kay reminded the Chamber that the Accused may have difficulty in estimating how many witnesses he would wish to call.⁴⁰ The difficulty, in Mr. Kay's view, stemmed from the fact that "[t]he Prosecution case is still open, [and] we still have a large number of witnesses to come to court to be heard, and we know that that list is still not closed as far as they [the Prosecution] are concerned; there are new witnesses being added every week."⁴¹

15. Both the colloquy which took place during the Status Conference and the oral commentary on the order given by Judge May on 17 September show that the Trial Chamber was aware of every single one of the factors the *amici* now contend the Chamber failed to consider properly: (a) the short period of time in which the case came to trial; (b) the time the Prosecution had to prepare its case; (c) the amount of Prosecution disclosure; (d) the size and complexity of the indictment; (e) the health of the Accused; (f) the decision of the Accused to represent himself and the limited nature of his legal resources; (g) the fact that the Prosecution case was not yet

³⁵ *Ibid.*, at 11.

³⁶ *Ibid.*

³⁷ *Ibid.*, at 12.

³⁸ *Ibid.*

³⁹ *Ibid.*, at 12-13.

⁴⁰ *Ibid.*, at 14.

⁴¹ *Ibid.*

complete; (h) the fact that the Prosecution intended to present new witnesses. The Chamber either explicitly referenced these factors in the order itself and in the accompanying commentary or was informed about them by the *amici* during the Status Conference.

16. Given that the Trial Chamber has considered all the relevant factors, the issue becomes whether its analysis of these factors was so deficient as to constitute an error in the exercise of discretion. It must be noted that a Trial Chamber has discretion with respect to the scheduling of a trial and, in particular, with respect to the determination of the time required for a trial.⁴²

17. The Trial Chamber here has solicited from the Accused, the *amici* and the Prosecution a sizeable body of information as to how long the Accused would need to prepare his case and at what point he may be in a position to produce a list of witnesses. On the basis of this information, the Trial Chamber concluded the required time to be three months. In reaching this decision, the Trial Chamber explicitly stated that it was considering both the necessity to safeguard a fair trial for the Accused and the need to ensure an expeditious trial proceeding.⁴³ The Trial Chamber also made clear that it was not guided by inappropriate considerations, such as the desirability, for the convenience of the Tribunal, of a rapidly progressing trial.⁴⁴

18. The authority best placed to determine what time is sufficient for the Accused to finish preparing his defence in this admittedly complex case is the Trial Chamber which has been conducting his trial for over two years. The Trial Chamber's decision was informed both by sufficient factual information and by the appropriate legal principles, and did not take into account any impermissible factor. The Chamber has made that determination with proper regard to the importance of ensuring a fair trial for the Accused and with an explicit disclaimer of such inappropriate considerations as the completion target for the Tribunal's work. The *amici*, who bear the burden of demonstrating that the Trial Chamber has erred in the exercise of its discretion, have not presented evidence sufficient to substantiate their claim.

19. There is no doubt that, by choosing to conduct his own defence, the Accused deprived himself of resources a well-equipped legal defence team could have provided. A defendant who decides to represent himself relinquishes many of the benefits associated with representation by counsel. The legal system's respect for a defendant's decision to forgo assistance of counsel

⁴² *Celebići* Appeal Judgment, paras 291-293.

⁴³ See the above discussion of the statement made by Judge May during the Status Conference. Note 10, *supra* (discussing Transcript of the 2 September 2003 Status Conference, at 11).

⁴⁴ See the above discussion of the statement made by Judge May during the Status Conference. *Ibid*


must be reciprocated by the acceptance of responsibility for the disadvantages this choice may bring.⁴⁵ Where an accused elects self-representation, the concerns about the fairness of the proceedings are, of course, heightened, and a Trial Chamber must be particularly attentive to its duty of ensuring that the trial be fair.

20. In this case, the Trial Chamber indicated that it will ensure that the Accused be provided with resources sufficient to prepare his defence.⁴⁶ The Trial Chamber, moreover, expressed willingness to consider additional ways to provide the Accused with time to prepare, such as decreasing the hours of court time.⁴⁷ The Trial Chamber acted with proper sensitivity to the concerns of a self-representing defendant, and there is no violation of the Accused's right to a fair trial by the time limits imposed.⁴⁸ The Trial Chamber has, of course, a continuing obligation to ensure a fair trial to the Accused. As a part of that obligation, the Trial Chamber may consider allowing additional adjournments in the future if a showing is made that the Accused lacks sufficient time or resources for the preparation of his defence.

Disposition

21. The appeal is dismissed.

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



Judge Theodor Meron
Presiding

⁴⁵ This principle is firmly enshrined in jurisdictions which recognize a defendant's right to self-representation. See, e.g., *Regina v. Walton*, [2001] E.W.C.A. Crim. 1771 (C.A.), para. 50 ("[T]he right to defend oneself is acknowledged by the E[uropean] C[onvention] on H[uman] R[ights] Article 6(3)C. The exercise of that right may bring advantages and disadvantages. If a man chooses to exercise that right, whilst he may benefit from the advantages, he cannot pray in aid the ordinary and anticipated disadvantages of his choice in support of the argument that there was inequality of arms[.]"); *Martinez v. Court of Appeal*, 528 U.S. 152, 162 (2000) ("the trial judge is under no duty . . . to perform any legal 'chores' for the [self-representing] defendant that counsel would normally carry out") (citation omitted); *Regina v. Fabrikant*, (1995) 67 Q.A.C. 268 (C.A. Que.), para. 80 ("[A]n unrepresented accused enjoys no particular privilege."); *Regina v. Peepetch*, 2003 SKCA 76, para. 66 ("[A] defendant cannot demand the right to represent himself and at the same time demand the right to effective assistance of counsel. Having decided to represent himself he must live with the consequences and cannot later complain that his conduct of the trial did not reach the level of a competent lawyer.").

⁴⁶ Order Concerning Preparation, at 2.

⁴⁷ See Transcript of the 2 September 2003 Status Conference, at 11. In fact, subsequent to the issuance of the Order Concerning Preparation, the Trial Chamber, in light of the health of the accused, has limited its sittings to three days per week. See *Prosecutor v. Milošević*, IT-02-54-T, Decision on Prosecution's Request for Variation of the Trial Chamber's Order Regarding the Trial Schedule, 2 October 2003.

⁴⁸ See, e.g., *Prosecutor v. Tadić*, IT-94-1-A, Appeal Judgment, 15 July 1999, para. 47 ("as a minimum, a fair trial must entitle the accused to adequate time and facilities for his defence").

Dated this 20th day of January 2004,
At The Hague,
The Netherlands.

Judge Shahabuddeen appends a separate opinion.

[Seal of the Tribunal]

SEPARATE OPINION OF JUDGE SHAHABUDEEN

Preliminary

1. I agree with the decision of the Appeals Chamber to dismiss this interlocutory appeal. The dismissal has been ordered on the ground that there has been a failure to demonstrate that there is any basis for appellate interference with the way in which the Trial Chamber has exercised its discretion. I agree that there has been a failure to make out such a case. But I do not consider that the Appeals Chamber was called upon to go so far; there is a preliminary reason for the dismissal.

2. The dismissal involves an exertion of appellate supervision over the work of the Trial Chamber. In principle, the work of the Trial Chamber should not be deprived of the benefit of that supervision. But that supervision is not exercised by superior magisterial authority acting *sua sponte*. It is exercisable only at the request of a party. The question in this case is whether the supervision of the Appeals Chamber is sought to be exercised at the request of a party.

3. It is proposed to consider the question in relation to (a) the *amici curiae*, (b) the accused acting by himself, and (c) the accused acting through the *amici curiae* as counsel.

(a) Whether the amici curiae are a party

4. The name of the interlocutory appeal, as given on the cover page of the appeal, is "Interlocutory Appeal by the *Amici Curiae*...". Nothing to the contrary appearing in the text, the interlocutory appeal is an appeal brought by the *amici curiae*.

5. The question, therefore, is whether an *amicus* is a party and so competent to bring the appeal. There could be argument as to what is a party;¹ but it is not necessary to debate that point. However wide may be that term, it clearly does not include an *amicus*. Paragraph 4 of today's decision correctly recognises that, "[n]ot being a party to the proceedings, the *amici* are not entitled to use Rule 73 to bring an interlocutory appeal." That paragraph rightly adds that the "fact that the

¹ It includes a witness who is challenging a subpoena. See *Prosecutor v. Radoslav Brdanin and another* (the "Randall" case), IT-99-36-AR73.9, of 11 December 2002. There, of course, it was not suggested that the appeal had not been authorised by Mr Randall.

amici were instructed by the Trial Chamber to take all steps they consider appropriate to safeguard a fair trial for the Accused does not alter this conclusion."

6. Paragraph 5 of today's decision notes that "the Prosecution represented to the Trial Chamber its willingness to accept the *amici* as a party ...". It suffices to observe that the Tribunal is a criminal court. The jurisdiction of the Appeals Chamber cannot be expanded by consent. The Prosecution cannot by consent make the *amici* a party. Despite the Prosecution's concession, the *amici* remain a non-party.

(b) Whether the appeal was brought by the accused acting by himself

7. While the decision of the Appeals Chamber is clear that the *amici* are not a party and thus could not bring the appeal, the decision does not present any other satisfactory basis for bringing the appeal. So, the matter has to be pursued by asking other questions.

8. One question is whether the appeal can be said to have been brought by the accused acting by himself, he being of course qualified to be a party. There is a suggestion that the bringing of the appeal is linked to him, but the suggestion falls short of saying that he has brought it.

9. Paragraph 3 of the Appeals Chamber's decision notes that the Trial Chamber stated that the request for certification "could be construed as a request for certification from the Accused's application for a two-year continuance". There could be argument that that interpretation might show that the accused could be treated as having authorised the bringing of the appeal and that he was therefore the substantive appellant. But the argument would not correspond to what the Trial Chamber said.

10. What the Trial Chamber said in the third paragraph on page 3 of its certification decision of 25 September 2003 was "that the Request may properly be construed as a request for certification of an interlocutory appeal from the application of the Accused" for a continuance of two years. The second paragraph on page 2 of that decision defined "Request" as the "*Amici Curias* Request ...". Thus, the request for certification remained that of the *amici*. So far as the accused was concerned, his request, made before the Trial Chamber, was for continuance; he did not request certification of an interlocutory appeal to the Appeals Chamber. That the object of the *amici's* request for certification related to the accused's request for continuance did not make the accused the author of the request for certification.

11. The accused restated his position in the oral proceedings before the Trial Chamber on 2 September 2003. He then said to the Trial Chamber: "I have already told you that I do not recognise this Court, so this is not a trial. It is you who have said that I have the right - ."²² In my opinion, whatever might be the position of the accused on recognition of the Tribunal, that remark is consistent with the view that he himself has not brought the appeal, which, though later, related to those proceedings.

(c) *Whether the appeal was brought by the accused acting through the amici curiae as his counsel*

12. Has the appeal been brought by the *amici curiae* acting as counsel for the accused? This question may be examined under these two heads:

- (i) Were the *amici* capable in law of acting as counsel for the accused?
- (ii) If they were capable in law of acting as counsel for the accused, did he authorise them to act as his counsel?

13. As to (i), it does not appear that the *amici curiae* were capable in law of acting as counsel for the accused. This is shown by Rule 74 of the Rules of Procedure and Evidence of the Tribunal, under which the *amici curiae* were appointed. This Rule provides that a "Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to appear before it and make submissions on any issue specified by the Chamber." Clearly, where counsel appears, he is not acting as counsel for the accused.

De verkiezingen in Servië

15-1-2004

Nadat Slobodan Milosevic de Serviërs had opgeroepen om meningsverschillen opzij te zetten en eensgezind op de Socialistische Partij van Servië, de SPS te stemmen, vaardigde het 'tribunaal' de order uit dat Milosevic praktisch volledig geïsoleerd moest worden tot na de verkiezingen van 28 december.

5 jaar oud en een gevaar voor het imperialisme!

Een paar namen van slachtoffers van het NAVO-geweld in Joegoslavië (Foto J. Beentjes)



Door Cas Hilvers

Dit verbod op contact trof ook Marko, de vijfjarige kleinzoon van de oud-president van Joegoslavië en president van de SPS. Was men bang dat deze kleinzoon in kleutertaal gecodeerde geheime instructies zou kunnen overbrengen, waardoor de verkiezingen nog ongunstiger voor de 'democratische' partijen zouden kunnen verlopen? Het verbod was echter zelfs in strijd met de beslissing van de griffie van het tribunaal, die bezoeken door directe familie niet uitsloot. Dit verbod moet dan ook gezien worden als de zoveelste poging van het tribunaal wraak te nemen op het 'koppige' verzet van Milosevic tegen dit onwettige overwinnaarwerktuig.

Het besluit van het 'tribunaal' ging in tegen internationale juridische principes en tegen de rechten van de mens. De politieke argumenten die tot het be-

sluit hebben geleid maken eens te meer duidelijk dat het tribunaal niet de vereiste onafhankelijkheid, die je mag verwachten van een gerechtshof, bezit.

De uitslag

Intussen zijn de verkiezingen gehouden en heeft de SPS de verwachte resultaten behaald. Op 9 januari moeten de namen bekend zijn van de mensen die de behaalde 22 zetels zullen gaan innemen. Mogelijk wordt deze termijn nog met 5 dagen verlengd. Ivica Dacic, het hoofd van het politieke bureau van de SPS zei na de verkiezingen dat de SPS mogelijk een zetel aan Milosevic zou toekennen, maar dat het verbod op contact de beslissing daarover nog onmogelijk maakte. "Het zou symbolisch zijn om hem als afgevaardigde te hebben, maar we moeten nog zien of hij dat wil. We zouden in dat geval een stem verliezen, maar dat zou niet veel veranderen omdat we toch niet aan de macht zijn," zei Dacic.

De uitslag van de verkiezingen, met de overwinningen van de nationalistische partij van Vojislav Seselj, de Radicale Partij van Servië, die 28 procent van de stemmen behaalde en de SPS, die iets meer dan 7 procent van de stemmen behaalde, is een klap voor de 'democratische' partijen die de favorieten van de Europese en Amerikaanse kapitalistische groepen waren. Deze partijen hebben meegewerkt aan het kolonialisieren van het land en aan de uitverkoop van industrieën en de media aan het buitenland. "De eerste stap is deze uitverkoop van de zelfstandigheid en de economische structuur te stoppen of in elk geval te vertragen," zei Vladimir Krsljanin, "de tweede stap zal daaruit moeten bestaan ervoor te zorgen dat de mensen het socialisme als echt alternatief erkennen." Vladimir Krsljanin is voorzitter van het Servische comité voor de verdediging van Slobodan Milosevic en was een

van de kandidaten voor de SPS bij de verkiezingen. De kiezers hebben zich duidelijk uitgesproken tegen de heersende partijen, met hun onderwerping aan de neoliberale globalisering.

De verkiezingsuitslag kan ook worden gezien als een verzet tegen het tribunaal, want de RPS, de SPS en de nationaal-conservatieve Democratische Partij van Servië, de DSS van Kostunica, hebben samen 156 van de 250 zetels behaald. Ook de DSS heeft zich tegen het tribunaal uitgelaten.

Valse illusies

In de aanloop naar de verkiezingen hebben de partijen uitspraken gedaan die ze nu wel weer zullen moeten inslikken. Zo heeft de DSS samenwerking met de partij van Djindjic, de vermoorde premier, uitgesloten genoemd. Een aanwijzing voor zulke koerswijzigingen is het

voorstel van Kostunica om een regering van nationale eenheid te vormen van de 6 grootste partijen. Gezien de tegenstellingen tussen deze partijen is dat een initiatief dat onvermijdelijk zal mislukken, maar juist daardoor de mogelijkheid geeft eerdere verkiezingsuitspraken te 'vergeten' en tot een herstel van het oude regime te komen. In de komende tijd zullen de linkse krachten in Servië ervoor moeten zorgen dat de illusies, ook onder linkse mensen, over de vooruitgang onder een zogenaamde "democratische" neoliberale, maar in werkelijkheid rechts-radicalen en reactionaire regering worden bestreden. "De socialistische partij moet weer een partij worden die de massa's kan aanvoeren," zei Krsljanin. "Zonder een sterke socialistische partij zullen de vooruitzichten voor het volk niet goed zijn!"

Milosevic niet in parlement Servië

12-1-2004
BELGRADO—De voormalige Joegoslavische president Milosevic zal geen zetel krijgen in het Servische parlement. Dit heeft een hoge functionaris binnen de Socialistische Partij van Milosevic gisteren gezegd. De ex-president staat momenteel terecht voor het Joegoslavië-Tribunaal in Den Haag. Bij de parlementsverkiezingen in Servië van eind december voerde hij de lijst van de SPS aan.

Ivica Dacic maakte bekend dat het bestuur van de partij unaniem heeft besloten om Milosevic niet een van de 22 zetels toe te kennen die de partij bij de kiesgang binnen heeft gehaald. Dacic zei dat de beslissing gebaseerd was op „juridische en politieke” motieven. (ANP)

Sagittarius

Van: "Vladimir Krsljanin" <slobodavk@yubc.net>
Aan: <Undisclosed-Recipient;>
Verzonden: dinsdag 20 januari 2004 12:31
Onderwerp: Ranta: ICTY indictment based on the Walker's statement with no legal
 No interest on Serb victims

Markus Bickel, Berliner Zeitung, January 17, 2004

Finnish pathologist Helena Ranta said the work of the Hague tribunal regarding the so-called Racak massacre was incomprehensible. The former head of the forensic team the European Union sent to the Kosovo-Albanian village of Racak in January 1999 to investigate the events there, in a conversation with Berliner Zeitung, criticized the UN tribunal for not following up the evidence that there was heavy fighting between Serb soldiers and the Kosovo-Albanian fighters during the night of January 15-16, 1999 in the Racak-region.

Western politicians used the tragedy in the village of Racak, where 40 Albanians died exactly 5 years ago, to prove to the public that the upcoming NATO attack on Yugoslavia was necessary.

US diplomat William Walker played the leading role. The chief of the OSCE mission in Kosovo immediately accused the Serbs of having killed 45 unarmed Albanian civilians at close range in Racak. The Serbian side rejected this interpretation and spoke instead about KLA soldiers killed in battle.

Pictures not published

She knew, that at that time "KLA-fighters were buried around Racak," said Ranta. "At that time I received information that proved that several Serb soldiers had been killed as well. Unfortunately, we will never know the exact number of Serb soldiers that died that night." It would be appropriate "to ask the tribunal why they are not interested in that number."

Ranta criticized the indictment against former Yugoslav President Slobodan Milosevic in the case of Racak for mostly following the Walker version. "When Ambassador Walker said that there was a massacre at Racak, this statement had no legal value. I declared at that time that the OSCE-observers forgot to take all steps necessary to secure a crime scene: isolating the area, refusing admission to all unauthorized persons and collecting all material evidence.

Ranta demanded that in addition to the OSCE pictures the tribunal also use the pictures taken by two additional photographers, shot several hours prior to the arrival of OSCE-observers.

The pictures show "that at least one of the bodies was moved afterwards" "that body is not seen on OSCE-pictures."

Left in the lurch

In the days prior to the NATO-attack on Yugoslavia it was clear "that a bunch of governments were interested in a version of Racak that blamed only the Serb side," said Ranta. "But I could not provide this version." Her instructions came from the German diplomat Pauls. The representative of the then-German EU-presidency asked for a written statement. "Afterwards, I had to show these personal statements to William Walker, who was obviously not amused when he read it." Still, she agreed to take part in the important press conference on March 17, 1999. "At that (conference), I was sitting with the German ambassador to Belgrade, Gruber, and a Finnish diplomat on the podium. I hoped that those gentlemen would support me." But that was not the case. "I rather had the feeling that I was left in the lurch," said Ranta.

As a result of the Walker dominated press-conference most of the media accepted the version of a Serb massacre of Albanian civilians as proven. A few days later the NATO-airattacks on Yugoslavia began.

(Translated from German by C.Schuetz & J.Catalinotto)

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<http://www.sloboda.org.yu/> (Sloboda/Freedom association)
<http://www.icdsm.org/> (the international committee to defend Slobodan Milosevic)
<http://www.free-slobo.de/> (German section of ICDSM)
<http://www.icdsm-us.org/> (US section of ICDSM)
<http://www.icdsmireland.org/> (ICDSM Ireland)
<http://www.wpc-in.org/> (world peace council)
http://www.geocities.com/b_antinato/ (Balkan antiNATO center)

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