

ICTY

2-3

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

**TRIAL CHAMBER****CHAMBRE DE 1ère INSTANCE**

The Hague, 26 February 2001  
JL/P.I.S./567-e

**JUDGEMENT OF TRIAL CHAMBER III IN THE KORDIC AND CERKEZ CASE**

**DARIO KORDIC SENTENCED TO 25 YEARS  
MARIO CERKEZ SENTENCED TO 15 YEARS**

- Croatia's intervention in the armed conflict in Central Bosnia established
- HVO attacks " followed a common design or plan ... to ethnically cleanse the (Lasva) valley of Muslims"
- Dario Kordic " was a regional leader and lent himself enthusiastically to the common design of persecution by planning, preparing and ordering those parts of the campaign which fell within his sphere of authority"
- Mario Cerkez "as commander of the Viteska Brigade, participated in the attacks on Vitez, Stari Vitez and Veceriska ... and failed to take the necessary measures to prevent those attacks, failed to punish those who were responsible for them"

This hearing is for the Trial Chamber to deliver its Judgement. This is the fifth case to be heard by the International Tribunal concerning events in the Lasva Valley in 1992 and 1993. However, it is the first involving a high ranking politician.

The background is the conflict between the Bosnian Muslims and Bosnian Croats which took place during those years in Central Bosnia. The accused both played prominent parts in that conflict. Dario Kordic was a politician, described as the most important in the area. Mario Cerkez was a military man, Commander of a Brigade in the Bosnian Croat armed forces. The charges against them arise from events during the conflict.

The Indictment contains 44 Counts; and charges each accused with eight grave breaches of the Geneva Conventions, ten violations of the laws or customs of war and four crimes against humanity. The first two Counts charge the accused with persecution, a crime against humanity. The other Counts charge offences relating to murder, inhuman treatment, detention and destruction. The Indictment alleges that the accused participated in a widespread or systematic campaign of persecution of the Bosnian Muslims in that region culminating in a series of attacks over a two year period on towns and villages in the Lasva Valley and surroundings. Many Muslim civilians were killed, seriously wounded or detained. Meanwhile, their homes were burned, their towns, villages and places of worship destroyed, and their property plundered.

The defence case for both accused amounts to a complete denial of the prosecution case. Not only is the responsibility of the accused for the crimes alleged against them disputed, there is an issue whether the crimes were committed at all. The Trial Chamber, therefore, has had to determine whether these crimes were committed; and, if so, whether the accused were guilty of those charged against them.

The result has been an extremely long trial lasting 20 months in which a great deal of evidence was put before the court. In all, 241 witnesses gave evidence and over 4,500 exhibits were produced. The transcript runs to 28,000 pages.

What follows is a summary of the written Judgement and forms no part of it. That Judgement is available today.

First, some matters of law. The Trial Chamber finds that there was a general state of armed conflict in Central Bosnia at the relevant time. It also finds that there is a clear connection between this conflict and the alleged crimes set out in the Indictment. The Trial Chamber finds that due to the intervention of the Republic of Croatia, this conflict was international.

The Trial Chamber also finds that persecution may include conduct not specifically listed as a crime against humanity in Article 5 of the Statute of the International Tribunal. However, such conduct must reach the same level of gravity as the other crimes listed in the Article. In this case, the Trial Chamber finds that two alleged acts do not rise to that level of gravity, namely, persecution in the form of encouraging and promoting hatred, by propaganda and otherwise, and persecution in employment.

Turning now to the facts. The relevant history begins with the founding in 1990 of a Bosnian Croat political party, the Croatian Democratic Union of Bosnia and Herzegovina, or "HDZ-BiH". This was an offshoot of its Croatian parent, the nationalist HDZ party. In late 1991 the HDZ-BiH set up a separate Croat community within Bosnia, the HZ H-B, which the Trial Chamber finds was established with the intention that it should, in due course, become part of the Republic of Croatia. The HZ H-B thereafter created another body, the Croatian Defence Council, "the HVO", as the executive and defence authority of the Bosnian Croat community. Local municipal HVOs were then set up as the executive and military power in the municipalities.

Meanwhile, Dario Kordic rose rapidly in the HDZ-BiH political party, becoming its President in his home-town, Busovaca; President of his Regional Community; and Vice-President of the HZ H-B. Mario Cerkez for his part was one of the founders of the HVO in Vitez and Commander of its local Brigade, known as the Viteska Brigade.

In 1992 the HVO began taking over all power in the municipalities in Central Bosnia, in particular in Busovaca, Vitez and Kiseljak. They met little armed resistance except in Novi Travnik and the village of Ahmici. In these incidents Dario Kordic demonstrated both his political and military authority; and the Trial Chamber finds that by the end of 1992, on the eve of the conflict, Dario Kordic combined both forms of authority. His military authority did not involve a formal rank but was a position which he had won for himself. Accordingly, a precise position in the chain of command cannot be ascribed to him; it is not suggested that he had power to discipline or punish troops, and the Trial Chamber finds that he has no liability under Article 7(3) of the Statute concerning command responsibility.

We come now to the most important year in the conflict, 1993. That year began with peace talks and the Vance-Owen Peace Plan. However, the situation soon degenerated into conflict, first in Gornji Vakuf and thereafter in Busovaca. The HVO attacked the latter municipality in January 1993, using artillery and infantry on civilian targets, and setting a pattern for subsequent attacks on towns and villages. The evidence shows that Dario Kordic was implicated in this attack.

In April 1993 it was the turn of Vitez and the Muslim villages of the Lasva Valley to come under attack. The Trial Chamber finds that the evidence points to a well-organised and planned HVO attack upon these locations, in particular the village of Ahmici where the attack early in the morning of 16 April resulted in a massacre in which more than 100 people were murdered, including 32 women and 11 children, and the village was destroyed. There were similar attacks on the villages up and down the Lasva Valley and on the town of Vitez. The Trial Chamber finds that these attacks followed a common design or plan conceived and executed by the Bosnian Croat leadership to ethnically cleanse the valley of Muslims.

Dario Kordic, as the local political leader was part of this design or plan, his principal role being that of a planner and instigator. In addition, the Trial Chamber finds that Dario Kordic was present at a meeting of politicians in the headquarters of Colonel Blaskic on the 15 April when the attacks on Ahmici and the other villages were authorised; that Mario Cerkez was present at a subsequent military meeting when plans were drawn up; and also that Dario Kordic was associated with an order given by Colonel Blaskic to kill all the military-aged men, expel the civilians and set fire to the houses in Ahmici.

As for Mario Cerkez's role on 16 April, the Trial Chamber finds that during this period the Viteska Brigade was in the thick of the fighting and that Mario Cerkez was in command of the Brigade. As Commander, he participated in the attacks on Vitez, Stari Vitez and Veceriska. However, in spite of his presence at the military meeting on 15 April, the Trial Chamber is not satisfied beyond reasonable doubt that Mario Cerkez bears any responsibility for the attack on Ahmici. This attack was the responsibility of the 4<sup>th</sup> Battalion Military Police, which was not under his command.

The fighting around Vitez continued after 16 April. On 18 April a truck bomb exploded near the mosque in Stari Vitez, killing at least 6 people and injuring 50 others. The Trial Chamber finds that this was an act of pure terrorism committed by elements within the HVO in Vitez but that there is no evidence to connect either of the accused with this action.

On 18 April the HVO attacked the villages in the Kiseljak municipality. These attacks were part of the general offensive launched by the HVO against the Muslims in this area and Dario Kordic as the local political leader was associated with them.

On 19 April the market-place in Zenica was shelled, killing 15 people and injuring many others. The Trial Chamber finds that the HVO was responsible but that this was not consistent with the pattern of the other attacks and thus falls outside the common design or plan. No political connection has been demonstrated and consequently the Trial Chamber cannot draw the inference that Dario Kordic was implicated in this unlawful attack.

By the end of April there was a cease-fire in place, but in June further fighting broke out in Central Bosnia. The HVO launched another series of attacks: this time on villages in the Kiseljak municipality, including the village of Tulica where 12 people were killed and the village destroyed. The Trial Chamber finds that these offensives were another manifestation of the HVO design to subjugate the Muslims of Central Bosnia. As with the offensives against the villages in April, the Trial Chamber finds that the attacks would not have been launched without the approval of the local political leadership in the person of Dario Kordic.

In October 1993, events moved to Vares municipality. The village of Stupni Do is located about a kilometre south of the town of Vares. On 23 October the village was attacked and 38 people lost their lives. It was not disputed that Ivica Rajic and his troops from Kiseljak were responsible for this massacre. Some defence was offered in the village but there can be no justification for what happened. However, the Trial Chamber finds that Dario Kordic's influence and authority which were concentrated in the Lasva Valley did not extend to Stupni Do, which was thus outside his sphere of authority, and the attack on the village was not part of any common plan or design to which he was a party.

During the HVO offensives many hundreds of Bosnian Muslim civilians were rounded up and detained in makeshift camps where conditions varied from camp to camp but were generally inhuman. The Trial Chamber finds that the detainees were subject to arbitrary and unlawful imprisonment (which was part of the common design or plan) and that they were forced without justification to dig trenches and were used as hostages and human shields. The Trial Chamber also finds that as Commander of the Viteska Brigade Mario Cerkez was responsible for the unlawful imprisonment and inhuman treatment of the detainees in the Vitez detention facilities, and that Dario Kordic was responsible for the unlawful imprisonment of detainees in the areas for which he had authority. However, the camps were run by the military and the evidence is not such as to allow an inference to be safely drawn that Dario Kordic was connected with the way in which the detainees were treated or that the treatment was part of the

common plan or design.

The Trial Chamber finds that there was a pattern of destruction and plunder in all the places attacked by the HVO and that the HVO deliberately targeted mosques and other religious and educational institutions. All this was part of the common plan and the accused were implicated in the offences where they have been found to be responsible for attacks.

In relation to those Counts alleging persecution the Trial Chamber finds on overwhelming evidence, that there was a campaign of persecution aimed at the Bosnian Muslims throughout the Indictment period in Central Bosnia. It took the form of the most extreme expression of persecution, i.e. attacking towns and villages with the concomitant destruction and plunder, killing, injury and detention. The purpose of the campaign was the subjugation of the Bosnian Muslim population. Thus, the Trial Chamber rejects the defence case that these events amounted to a civil war and that the Bosnian Croats were on the defensive and themselves subject to persecution. For these purposes, the fact that individual atrocities were committed against Bosnian Croats is irrelevant although they may be the subject of other criminal proceedings.

The Trial Chamber makes the following findings about the participation of the accused in the campaign of persecution. Whatever positions he may have held, the evidence does not support the contention that Dario Kordic was in the very highest echelons of the Bosnian Croat leadership or that he conceived the campaign of persecution. He was a regional leader and lent himself enthusiastically to the common design of persecution by planning, preparing and ordering those parts of the campaign which fell within his sphere of authority.

As already noted, the Trial Chamber finds that Mario Cerkez, as the Commander of the Viteska Brigade, participated in the attacks on Vitez, Stari Vitez and Veceriska. This was a high point of the campaign of persecution. The accused played his part in that campaign by commanding the troops involved in some of the incidents; as such he was a co-perpetrator.

We turn now to the allegation that the accused are also guilty by reason of their superior responsibility and failure to prevent these crimes and to punish the perpetrators. The Trial Chamber notes that such responsibility may attach to civilians once it is established that the requisite power to prevent and punish exists. However, as already noted, the Trial Chamber finds that Dario Kordic did not possess the authority either to prevent the crimes or to punish the perpetrators and cannot therefore be liable under Article 7(3) of the Statute. On the other hand, Mario Cerkez knew of the impending attacks on Vitez, Stari Vitez and Veceriska by the troops under his command. He failed to take the necessary measures to prevent those attacks, failed to punish those who were responsible for them, and is therefore liable under Article 7(3) in respect of the offences arising from attacks on those three locations.

Finally, the Trial Chamber applies the practice approved by the Appeals Chamber recently in relation to cumulative convictions. As a result the accused will be acquitted of those Counts for which a cumulative conviction would be inappropriate.

The Trial Chamber's findings on the Counts of the Indictment are as follows.

**Counts 1 and 2:** crimes against humanity: persecutions

**Count 1: Dario Kordic - GUILTY**

**Count 2: Mario Cerkez - GUILTY**

**Counts 3 - 6:** violations of the laws or customs of war (unlawful attack on civilians).

**Counts 3 and 4: Dario Kordic - GUILTY**

**Counts 5 and 6: Mario Cerkez - GUILTY**

**Counts 7 - 20:** crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws or customs of war (murder, wilful killing, inhumane acts, wilfully causing great suffering or serious injury, inhuman treatment).

**Dario Kordic:**

**Counts 7, 8, 10 and 12: - GUILTY**

**Counts 9, 11, 13: - NOT GUILTY**

**Mario Cerkez:**

**Counts 14, 15, 17 and 19: - GUILTY**

**Counts 16, 18 and 20: - NOT GUILTY**

**Counts 21 and 22:** a crime against humanity and a grave breach of the Geneva Conventions (imprisonment, unlawful confinement).

**Dario Kordic - GUILTY**

**Counts 23 - 28:** grave breaches of the Geneva Conventions and violations of the laws or customs of war (inhuman treatment, use of human shields, taking of hostages).

**Dario Kordic - NOT GUILTY**

**Counts 29 - 31:** a crime against humanity and grave breaches of the Geneva Conventions (imprisonment, unlawful confinement, inhuman treatment).

**Mario Cerkez - GUILTY**

**Counts 32 - 36:** violations of the laws or customs of war and grave breaches of the Geneva Conventions (cruel treatment, taking of hostages, inhuman treatment).

**Mario Cerkez:**

**Counts 32, 34 and 36: - NOT GUILTY**

**Counts 33 and 35: - GUILTY**

**Counts 37 - 42:** grave breaches of the Geneva Conventions; violations of the laws or customs of war (extensive destruction of property, wanton destruction, plunder).

**Count 37: Dario Kordic - NOT GUILTY**

**Counts 38 and 39: Dario Kordic - GUILTY**

**Count 40: Mario Cerkez - NOT GUILTY**

**Counts 41 and 42: Mario Cerkez - GUILTY**

**Counts 43 and 44:** violations of the laws or customs of war (destruction or damage to religious or educational institutions).

**Count 43: Dario Kordic - GUILTY**

**Count 44: Mario Cerkez - GUILTY**

Turning now to the question of sentence, the Trial Chamber makes some general points. The Trial Chamber will consider the appropriate sentences in the case of the accused, emphasising that the sentences reflect the evidence in this case and the role of these accused as found by this Trial Chamber. Both accused have been convicted of numerous offences. They all arise from the same common design which led to the persecution and the "ethnic cleansing" of the Bosnian Muslims of the Lasva Valley and surroundings. The resulting sustained campaign involved a succession of attacks on villages and towns which were characterised by a ruthlessness and savagery and in which no distinction was made as to the age of its victims: young and old were either murdered or expelled and their houses were burned. The total number of dead may never be known, but it runs into hundreds, with thousands expelled. Offences of this level of barbarity could not be more grave and those who participate in them must expect sentences of commensurate severity to mark the outrage of the international community.

**Dario Kordic:** Your role in the offences was an important one. As a regional political leader in Central Bosnia, with particular authority in the Lasva Valley, you were the effective political commander in the area where the majority of the offences were committed. As already noted, the Trial Chamber has not accepted the full extent of the Prosecution case and has not found that you were in the highest echelons of the leadership of the campaign of persecution. Likewise, you have been acquitted of some of the offences arising from individual acts of terror and the massacre at Stupni Do. Therefore, you are not to be sentenced as an architect of the persecution or the prime mover in it. Nonetheless, you joined the campaign enthusiastically and played an instrumental part in the Lasva Valley offensives in 1993, in particular in ordering the attack of Ahmici and the other villages in April 1993. For your part in that dreadful episode you deserve appropriate punishment. The fact that you were a politician and took no part in the actual execution of the crimes makes no difference; you played your part as surely as the men who fired the guns. Indeed, the fact that you were a leader aggravates the offences. You have offered no mitigation and there is none. The Trial Chamber considers that your overall criminality can be best reflected in a single sentence. Dario Kordic, you are sentenced to **25 years imprisonment**.

**Mario Cerkez:** Your position is different from that of your co-accused. You were a soldier and a middle-ranking HVO commander. The Trial Chamber notes that you have no previous experience of command and that nothing in your earlier life could have prepared you for it. However, you were the Commander of the Viteska Brigade during the time of the terrible events in the Lasva Valley and led it in the assaults which resulted in civilian death and destruction. While the Trial Chamber has found that your troops were not involved in the massacre at Ahmici, you played your part in the campaign of persecution, aggravated because of your role as a commander. While there was positive testimony as to your character and personality, none of the matters submitted as mitigating circumstances amount to mitigation of these international crimes. The Trial Chamber considers that your overall criminality can be best reflected in a single sentence. Mario Cerkez, you are sentenced to **15 years imprisonment**.

The period of time the accused have spent in custody of the International Tribunal, that is the period from 6 October 1997 to the date of this Judgement, shall be deducted from the sentences.

\*\*\*\*\*

Pompstationsweg 32 in Scheveningen – op dat adres is de Joegoslavische oud-president Slobodan Milosevic de komende tijd te bereiken. Hoewel hij bij zijn voorgeleiding op dinsdagochtend 3 juli nog geen coöperatieve indruk maakte, wordt hij nu toch eindelijk door het Joegoslavië Tribunaal berecht. De aanklacht: oorlogsmisdaden en zware vergripen tegen de mensheid. Daaraan vooraf ging de nachtelijke vlucht van de oud-president van Belgrado via Tuzla in Bosnië naar Nederland. Maar verdient zijn uitwijzing door de Servische premier Djindjic de schoonheidsprijs? Daarover gaat deze week het VN-dossier.

- Ko Colijn reconstrueert de voorgeschiedenis van de overdracht van Milosevic aan het Tribunaal.
- Vanuit Belgrado voorziet schrijfster Jelika Novakovic de gebeurtenissen van commentaar.
- Harm Ede Botje peilt de stemming onder de Nederlandse vrienden van Milosevic.

Zie ook de rubriek Brandende kwesties

PETAR KUJUNDZIC/REUTERS



# Voor een handvol

## De komst van Milosevic is niet aan Europa te danken

*Was de uitlevering van Slobodan Milosevic een overwinning van het internationale recht, zoals iedereen de afgelopen week beweerde? Nou, nee. De slager van Belgrado zit nu alleen maar achter de tralies in Scheveningen omdat Amerika vond dat er wat moest gebeuren. De Europeanen – vooral de Britten en Fransen – durfden eigenlijk niet. door Ko Colijn*

**T**here's a new sheriff in town,' schreef de *Wall Street Journal* begin april na de arrestatie van Milosevic over president Bush. Een beetje rechtlijnige man misschien. Zou het wel goed aflopen, die Texaanse omgangsvormen in de wereldpolitiek? Maar de eenvoudige *deadline diplomacy* van de president werkte deze keer wonderwel. Achter de schermen is een keihard gevecht gevoerd om Milosevic op 29 juni in Den Haag te krijgen. Succes kent vele vaders. De EU-leiders waren erg tevreden over zichzelf en wazen erop dat ook zij steeds druk op Belgrado hadden uitgeoefend. Hui-chelachtiger kon nauwelijks, want de overdracht is de persoonlijke verdienste van Carla del Ponte, hoofd-aanklager van het Joegoslavië Tribunaal. Zij wist het duo Bush en Powell ervan te overtuigen dat de Joegoslavische president Kostunica niets anders deed dan tijdrekken en trainen. Pak hem aan, was haar boodschap aan Washington. De Europeanen waren minder gevoelig voor

haar argumenten en speelden Kostunica – en Milosevic – in de kaart. 'Toen het Haagse oorlogstribunaal in 1993 werd opgericht, zagen velen het als weinig meer dan een pr-middel,' schreef Dayton-architect Richard Holbrooke in zijn boek *To End a War*. Dat het instituut in aanzien steeg, was vooral aan minister Madeleine Albright en aan de rechters en openbare aanklagers zelf te danken, die hun werk onverstoort, zorgvuldig en vooral vasthoudend richtten. Alleen: het stak dat de grote vissen niet gevangen werden. Del Ponte was bang dat het gezag van het tribunaal ondermijnd zou worden als Karadzic, Mladic en Milosevic zich veilig konden blijven wanen. Milosevic had in Dayton nota bene zijn handtekening gezet onder de clausule waarin hij medewerking aan het tribunaal toezegde. De aarzelingen van Kostunica om Milosevic uit te leveren, waren niet alleen schadelijk voor het tribunaal. Ze versterkten ook de Servisch-nationalistische gevoelens in Bosnië, waar de slechteriken uit de oorlog nog

steeds de lakens uitdelen, de terugkeer van moslims naar huis en haard verhinderen en herbouwde moskeën in brand steken.

Half februari schreef Del Ponte een brief aan Solana, de Europese 'minister van Buitenlandse Zaken'. Ze waarschuwde hem dat Kostunica bezig was de zaak op de lange baan te schuiven. Samenwerking met het tribunaal beleed hij alleen met de mond, schreef ze. De Europeanen moesten niet denken dat Kostunica's aankondiging dat hij een 'overdrachtswet' zou opstellen een stap in de goede richting was. Die wet zou het namelijk niet redden in het Joegoslavische parlement, voorspelde zij (achteraf gezien terecht). 'Kostunica verstaat geen andere taal dan economische sancties,' liet Del Ponte weten. Ze verzocht de EU om voortaan harde voorwaarden te verbinden aan het uitschrijven van gulle cheques. De EU nam er beleefd kennis van, maar veranderde het beleid niet. Ook Bush kreeg een voorjaarsbrief van dezelfde strekking van Del Ponte. Hij reageerde positiever. De Vere-



# dollars

JEROME DELAY/AP



nigde Staten vonden het idee dat Kostunica aan een overdrachtswet werkte op zichzelf niet slecht. Niet strikt noodzakelijk misschien, maar wel goed om Belgrado rustig te houden. De Verenigde Staten lieten Kostunica half maart weten dat die wet dan niet ergens procedureel zou mogen stranden. Bovendien moest hij alvast iets aan de 'opvoeding van het Servische volk doen', zodat het de uiteindelijke uitlevering beter zou begrijpen (lees accepteren). Arrestatie ja, en wel voor 31 maart aanstaande; overdracht aan Den Haag nog niet, was de boodschap. Anders zou een eerste hulpbedrag van vijftig miljoen dollar niet worden overgemaakt. Dat leek te werken. Op 1 april werd Milosevic alvast opgepakt.

Maar in de eerste week van april leek de regie even zoek. Kostunica was aangenaam verrast dat de Verenigde Staten wel arrestatie, maar geen onmiddellijke uitlevering van Milosevic hadden gevraagd. Het was hem ook niet ontgaan dat Washington met twee tongen sprak, want het State Department had in een onbewaakt moment gezegd dat zelfs arrestatie geen keiharde voorwaarde was voor het vrijgeven van de vijftig miljoen dollar. Vanuit Den Haag herhaalde het tribunaal voor de zekerheid nog maar eens dat de gevangenis in Belgrado geen eindstation kon zijn.

**O**p 4 april bezocht de Britse minister van Buitenlandse Zaken Robin Cook Belgrado. De Serviërs lieten hem uit angst voor mkz eerst met zijn voeten door een ontsmettingsbad waden. Maar hij bracht prettig nieuws. Cook herhaalde weliswaar de eis tot uitlevering van Milosevic,

maar deed twee concessies. Hij stelde financiële steun op de voor mei geplande donorconferentie er niet afhankelijk van. En hij verblijdde Kostunica met de suggestie dat Milosevic eerst in Belgrado voor de rechtbank zou mogen verschijnen voor fraude en verkiezingsbedrog, wat verder uitsel van 'Scheveningen' betekende. Kostunica greep de ruimte die hem geboden werd met beide handen aan. Hij zegde toe dat Joegoslavië zou samenwerken met het tribunaal, maar voegde eraan toe 'dat wij natuurlijk niet alles accepteren, zoals het verkopen van onze waardigheid voor een handvol dollars'. Over het tribunaal zelf liet hij zich laatskend uit. Het State Department reageerde knorrig, maar Carla del Ponte was ronduit woedend. Ze liet de 'geen haast'-politiek varen en noemde de Joegoslavische overdrachtswet overbodig. Milosevic kon, vond ze, zonder die wet meteen naar Den Haag worden gevlogen, want dat was Joegoslavië op grond van VN-regels en het statuut van het tribunaal verplicht. Niet alleen de Engelsen, ook de Fransen betoonden zich soft. Eind april begon zelfs de Servische premier Djindjic, normaal de ferventste pleitbezorger van de uitlevering van Milosevic, na een bezoek aan Chirac weer te twifelen aan de noodzaak om de oud-president snel naar Den Haag over te brengen. De naam van Milosevic was zelfs nauwelijks gevallen in de besprekingen die hij met Chirac voerde over hulp aan de zielogende Servische economie. Prompt stond de volgende dag Del Ponte op de stoep van het Elysée. Daar hoorde ze tot haar verbijstering dat de Fransen inderdaad tegen het stellen van

voorwaarden waren, want dat zou de Serviërs een 'slachtoffergevoel' bezorgen en het nationalisme alleen maar aanwakkeren.

**D**el Ponte sleep haar messen, want Kostunica zou begin mei naar Washington reizen waar de ont-knoping waarschijnlijk zou plaatsvinden. De Amerikanen wilden hem daar eens flink gaan knippen en masseren. Op 9 mei was Kostunica te gast op het East-West Institute in New York, waar hij de Statesman of the Year Award zou krijgen. De volgende dag zou de laureaat zijn opwachting maken bij president Bush en minister

**Del Ponte: 'Wat de Europese Unie doet is low-level. Ze stellen geen voorwaarden aan financiële hulp. Ik reken op de Amerikanen'**

van Buitenlandse Zaken Colin Powell. Maar Carla del Ponte rook onraad en vertrok spoorslags naar Washington. Nog voordat Kostunica in Amerika was gearriveerd, legde ze Bush uit dat de overdrachtswet een gebed zonder eind kon worden, gezien de traagheid van de Joegoslavische besluitvormingsmachine. En verder wees ze hem erop dat de samenwerking van Kostunica met het Haagse tribunaal na de arrestatie van Milosevic op 1 april niet was geïntensiveerd, eerder het tegendeel. Ze bedoelde: u bent nog niet hard genoeg geweest en de softe houding van de Europeanen maakte het er niet beter op. 'Kostunica ont-

kende zelfs het bestaan van het tribunaal,' zei ze rond die tijd tegen Roy Gutman van *Newsweek*. Bush was onder de indruk van Del Pontes woorden. Kostunica kreeg op 10 mei tien minuten om zijn zaak (eerst geld, dan maatregelen) te bepleiten, maar de Amerikaanse president antwoordde: eerst maatregelen, dan geld. Nog diezelfde dag probeerde Kostunica het weer, nu bij Powell. Die was onaangenaam verrast, want probeerde Kostunica nu niet alsnog via hem gedaan te krijgen wat hem bij Bush niet gelukt was? Powells antwoord was kort: 'Nee.' Vervolgens togen Del Ponte en Kostunica – gescheiden – naar het Congres. Daar werd vergaderd over de toewijzing van de eerste honderd miljoen dollar voor de komende donorconferentie. Del Ponte hield een vurig pleidooi voor de financiële commissie van de senaat voor het vasthouden aan voorwaarden: eerst Milosevic, dan subsidie. Even verderop pleitte Kostunica bij de financiële commissie van het Huis van Afgevaardigden voor precies het tegendeel. Del Ponte won. Het enige dat Kostunica aan zijn reis naar Washington overhield, was dat de donorconferentie werd uitgesteld tot 29 juni en dat Powell hem dus een paar weken extra gaf om 'zijn wet' te regelen. De EU, toch al niet de dapperste, stemde natuurlijk meteen met dit uitstel in.

Del Ponte had tegen die tijd haar vertrouwen in Europa allang verloren. Het was een strijd tussen de aandringers (insisters) uit Europa en de deadliners uit Washington. 'Wat de Europese Unie doet is low-level,' zei ze tegen *Newsweek*. 'Ze stellen geen voorwaarden aan financiële hulp. Ik reken op de Amerikanen.'

De rest van het verhaal is bekend. Kostunica was weliswaar bezweken onder de Amerikaanse druk, maar laadde al meteen weer de verdenking op zich dat hij tegenwerkte. De overdrachtswet zou later dan was afgesproken bij het federale Joegoslaviëse parlement worden ingediend. De Amerikanen – en Djindjic – begrepen dat de wet het niet voor het begin van de donorconferentie zou halen. Meer uit machiavellisme ('als je dreigt, doe het dan ook goed') dan om juridische redenen werd Belgrado de wacht aangezegd. Met de sheriff valt nu eenmaal niet te spotten. Kostunica bleef tegen uitlevering. 'Het zal alleen door Amerikaanse druk gebeuren,' was zijn reactie. Op dat punt was hij het volkomen eens met Del Ponte. De ironie van de uitlevering is natuurlijk dat die tot stand kwam door toedoen van het land dat nu uitgerend zelf weigert zijn constitutie ondergeschikt te maken aan de consequenties van het nieuwe internationale strafhof. Amerika zal zelf nooit een van zijn leiders aan zo'n hof of tribunaal overdragen. Niemand beseft dat beter dan Carla del Ponte na haar overwinning in Washington. Toen Gutman haar vroeg of de Amerikanen 'blij zijn met het recht zolang het niet op hen zelf van toepassing is', antwoordde ze gelaten: 'It seems so.'

Bronnen o.a.: *Institute for War & Peace Reporting London (Tribunal Report)*, *ICG Balkans Report Sarajevo-Brussels-Washington*, *Newsweek*, *Wall Street Journal*, *War Crimes site bosnet.org*, *ICTY*.

INGEZONDEN MEDEDELING

## Robert Anker Een soort Engeland



'Ankers  
magnum  
opus'  
Trouw

Querido f 39,95

# Joegoslavië is toegetreden tot de Coca-Cola-wereld

*Zonder de macht van het Amerikaanse geld had het volk Milosevic zelf kunnen berechten. Dat was beter geweest voor het nationale geweten. Nu Sloba weg is, behoort Joegoslavië ook tot de wereld als een Coca-Cola-reclame, vreest de in Belgrado wonende schrijfster Jelika Novakovic.* door Jelika Novakovic

**K**unt u het zich voorstellen? De beruchtste politieke leider van het afgelopen decennium wordt als een verboden vracht heel stiekem opgehaald, verscheept en gelost. Als of het om een lading cocaïne gaat, blijkt zijn gewicht miljoenen dollars waard te zijn. Uitbetaald worden ze echter een andere keer.

Kunt u zich dit voorstellen? De echtgenote van de meest gehate en bewonderde man van het afgelopen decennium staat nietsvermoedend, met het soeppannetje in de hand, voor de poorten van zijn laatste inheemse verblijfplaats. Nee, mevrouw, de soep kunt u weer meenemen, eten krijgt hij straks in Den Haag wel.

De kringloop van mens tot mythe en weer terug tot mens is voltooid. Weinig politici is het ten deel gevallen om deze cirkel te voltooien. De meesten schoppen het niet zo ver, zij blijven door een gewelddadige dood of voortijdig vertrek als mythe rondspoken in de geschiedenis. Sloba is uitgeleverd als een doodgewone crimineel. Het lot van Milosevic is opmerkelijk. Zovelen voor hem waren even machtsbezeten en nietsontziend. En toch hebben ze nog een rustige oude dag beleefd, zoals de Oostenrijkse president Kurt Waldheim (SS-verleden) of de Amerikaanse presidenten Truman (Hiroshima en Nagasaki) en Johnson (Vietnam). Ofer worden nog steeds straatnamen naar hen genoemd, zoals naar de verlichte despot Tito (oprichter van een Adriatische goelag) of de anti-semiet Karl Lueger. Of ze worden jarenlang gedood zolang ze zich koest houden, zoals Pinochet.

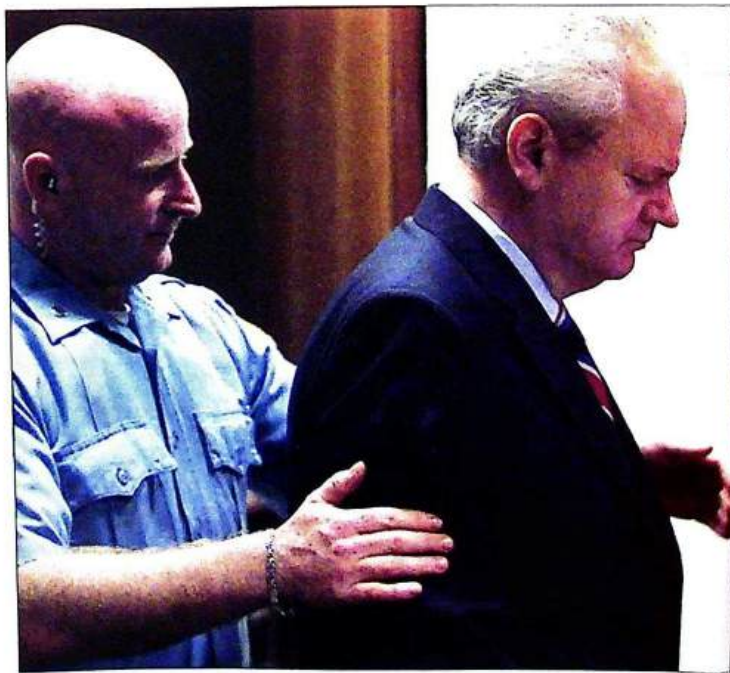
Milosevic beheerste meer dan tien jaar de magische kunst om krachten op te roepen die hem vervolgens gehoorzaamden, zoals de Oostenrijkse dichter Hugo von Hofmannsthal ooit de politiek heeft gedefinieerd. Zelfs degenen die zijn uitlevering hebben besteld, waren ettelijke jaren onder de indruk van dat vermogen. Maar de dolgedraaide *Zauberlehrling* Slobodan Milosevic wist van geen stoppen meer. En dat heeft hem ten val gebracht.

Zijn opkomst en val vertellen veel over de tijd waarin we leven. Zonder het massale gevoel van frustratie en onmacht van zijn eigen volk had hij zich nooit kunnen opdringen tot de

nationale held die hij wilde zijn. Zonder de macht van het (Amerikaanse) geld had hij nog van zijn soepje in Belgrado kunnen genieten.

Wat nu, nu men hem fysiek kwijt is? Voelt men zich opgelucht? Een aanzienlijk deel van de bevolking hoopt dat hiermee een tragisch kapittel in de Servische geschiedenis eindelijk is afgesloten. Maar diezelfde mensen zijn inmiddels te sceptisch geworden om echt te geloven in een gelukkig einde. Opluchting was er wel. Bij jongeren uitte zich dat in een applausje bij het vernemen van het nieuws, hun apathisch geworden ouders reageerden met een halve grijns. Gejubeld werd er nauwelijks.

Misschien heeft de pil van financiële chantage een wrange nasmaak achtergelaten. Die ruil van Milosevic voor 1,2 miljard dollar laat immers



3 juli 2001. Slobodan Milosevic wordt de rechtszaal van het Haagse Oorlogstribunaal binnengeleid



## Joegoslavië is toegetreden tot de Coca-Cola-wereld

*Zonder de macht van het Amerikaanse geld had het volk Milosevic zelf kunnen berechten. Dat was beter geweest voor het nationale geweten. Nu Sloba weg is, behoort Joegoslavië ook tot de wereld als een Coca-Cola-reclame, vreest de in Belgrado wonende schrijfster Jelika Novakovic. door Jelika Novakovic*

De rest van het verhaal is bekend. Kostunica was weliswaar bezweken onder de Amerikaanse druk, maar laadde al meteen weer de verdenking op zich dat hij tegenwerkte. De overdrachtswet zou later dan was afgesproken bij het federale Joegoslavische parlement worden ingediend. De Amerikanen – en Djindjic – begrepen dat de wet het niet voor het begin van de donorconferentie zou halen. Meer uit machiavellisme ('als je dreigt, doe het dan ook goed') dan om juridische redenen werd Belgrado de wacht aangezegd. Met de sheriff valt nu eenmaal niet te spotten. Kostunica bleef tegen uitlevering. 'Het zal alleen door Amerikaanse druk gebeuren,' was zijn reactie. Op dat punt was hij het volkomen eens met Del Ponte. De ironie van de uitlevering is natuurlijk dat die tot stand kwam door toedoen van het land dat nu uitgerekend zelf weigert zijn constitutie ondergeschikt te maken aan de consequenties van het nieuwe internationale strafhof. Amerika zal zelf nooit een van zijn leiders aan zo'n hof of tribunaal overdragen. Niemand beseft dat beter dan Carla del Ponte na haar overwinning in Washington. Toen Gutman haar vroeg of de Amerikanen 'blij zijn met het recht zolang het niet op henzelf van toepassing is', antwoordde ze gelaten: 'It seems so.'

Bronnen o.a.: *Institute for War & Peace Reporting London (Tribunal Report), ICG Balkans Report Sarajevo-Brussels-Washington, Newsweek, Wall Street Journal, War Crimes site bosnet.org, ICTY.*

INGEZONDEN MEDEDELING

**Robert Anker**  
**Een soort Engeland**



'Ankers magnum opus'  
Trouw

**Querido / 39,95**

**K**unt u het zich voorstellen? De beruchtste politieke leider van het afgelopen decennium wordt als een verboden vrucht heel stiekem opgehaald, verscheept en gelost. Als of het om een lading cocaïne gaat, blijkt zijn gewicht miljoenen dollars waard te zijn. Uitbetaald worden ze echter een andere keer.

Kunt u zich dit voorstellen? De echtgenote van de meest gehate en bewonderde man van het afgelopen decennium staat nietsvermoedend, met het soeppannetje in de hand, voor de poorten van zijn laatste inheemse verblijfplaats. Nee, mevrouw, de soep kunt u weer meenemen, eten krijgt hij straks in Den Haag wel.

De kringloop van mens tot mythe en weer terug tot mens is voltooid. Weinig politici is het ten deel gevallen om deze cirkel te voltooien. De meesten schoppen het niet zo ver, zij blijven door een gewelddadige dood of voortijdig vertrek als mythe rondspoken in de geschiedenis. Sloba is uitgeleverd als een doodgewone crimineel. Het lot van Milosevic is opmerkelijk. Zovelen voor hem waren even machtsbezeten en nietsontziend. En toch hebben ze nog een rustige oude dag beleefd, zoals de Oostenrijkse president Kurt Waldheim (SS-verleden) of de Amerikaanse presidenten Truman (Hiroshima en Nagasaki) en Johnson (Vietnam). Of er worden nog steeds straatnamen naar hen genoemd, zoals naar de verlichte despoot Tito (oprichter van een Adriati-

sche goelag) of de anti-semiet Karl Lueger. Of ze worden jarenlang gedood zolang ze zich koest houden, zoals Pinochet.

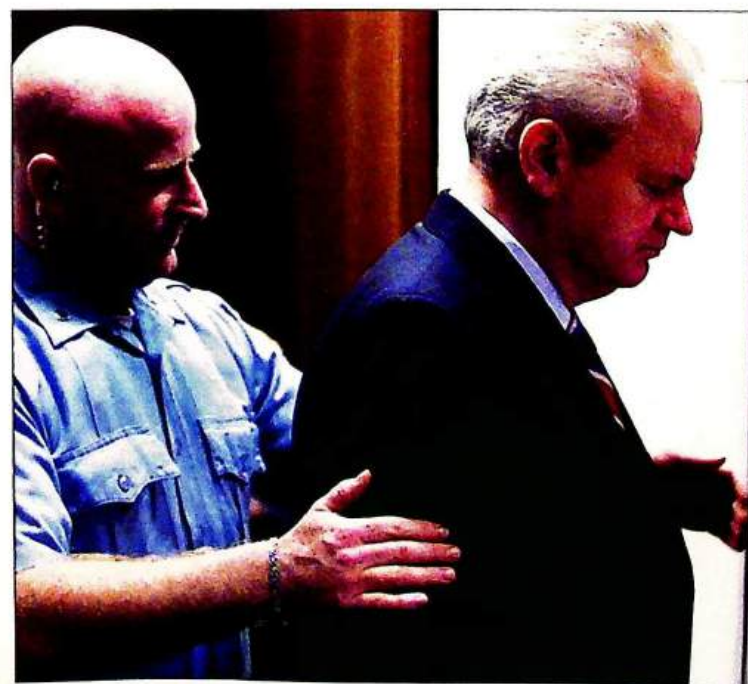
Milosevic beheerste meer dan tien jaar de magische kunst om krachten op te roepen die hem vervolgens gehoorzaamden, zoals de Oostenrijkse dichter Hugo von Hofmannsthal ooit de politiek heeft gedefinieerd. Zelfs degenen die zijn uitlevering hebben besteld, waren ettelijke jaren onder de indruk van dat vermogen. Maar de dolgedraaide *Zauberlehrling* Slobodan Milosevic wist van geen stoppen meer. En dat heeft hem ten val gebracht.

Zijn opkomst en val vertellen veel over de tijd waarin we leven. Zonder het massale gevoel van frustratie en onmacht van zijn eigen volk had hij zich nooit kunnen opdringen tot de

nationale held die hij wilde zijn. Zonder de macht van het (Amerikaanse) geld had hij nog van zijn soepje in Belgrado kunnen genieten.

Wat nu, nu men hem fysiek kwijt is? Voelt men zich opgelucht? Een aanzienlijk deel van de bevolking hoopt dat hiermee een tragisch kapittel in de Servische geschiedenis eindelijk is afgesloten. Maar diezelfde mensen zijn inmiddels te sceptisch geworden om echt te geloven in een gelukkig einde. Opluchting was er wel. Bij jongeren uitte zich dat in een applausje bij het vernemen van het nieuws, hun apathisch geworden ouders reageerden met een halve grijns. Gejubeld werd er nauwelijks.

Misschien heeft de pil van financiële chantage een wrange nasmaak achtergelaten. Die ruil van Milosevic voor 1,2 miljard dollar laat immers



3 juli 2001. Slobodan Milosevic wordt de rechtszaal van het Haagse Oorlogstribunaal binnengeleid

weinig over van het zo bitter nodige gevoel van nationale trots en soevereiniteit. En het herinnert verdacht veel aan een andere uitlevering in de Servische geschiedenis, toen de pragmatische vorst Milos Obrenovic in 1817 het hoofd van zijn onstuimige medestrijder (en mededinger om de macht) Karadjordje aan de Turkse sultan stuurde om Servië te verzekeren van een adempauze. Een herhaling van verraad dus, onder het mom van nationale belangen.

Velen vinden dit het zoveelste bewijs van internationale samenzwering. De mogelijke gevolgen kunnen immers een regeringscrisis en de afscheiding van Montenegro zijn. Een coup de grâce voor wat er is overgebleven van de Joegoslavische federatie. Daaruit volgt natuurlijk ook de onafhankelijkheid van Kosovo met alle gevolgen van dien.

En het geld dan? vragen degenen zich af die er niet vies van worden. Kan men straks eindelijk normaal gaan leven? Misschien komt het geld net zo traag binnen als in Rusland waar het vervolgens grotendeels verduisterd werd? Of misschien is het niet eens genoeg om de schade van de bombardementen te vergoeden? Misschien begint voor dat geld de grote uitverkoop van ons land zodat we straks noodgedwongen alle overschot en vuil van de EU binnenkrijgen?

Degenen die met morele overwegingen worstelen, vragen zich af of het voor het geweten van het volk niet beter was geweest om hem zelf te berechten. Nu lijkt het er eerder op alsof we een soort nationale indulgentie bij de huidige pausen hebben gekocht. Dit zijn vragen die de gewone burger bezighouden, met uitzondering misschien van degenen die zich de wereld voorstellen als een Coca-Cola-reclame waartoe we nu zonder Sloba ook zullen behoren.

Ondertussen zit de mens Slobodan Milosevic heel bezorgd in zijn cel te wachten op zijn proces. Eén omstandigheid heeft men hem toch gelaten: om daarheen versleept te worden op de meest mythische dag in de Servische geschiedenis – de 612de verjaardag van de Slag bij Kosovo Polje, de historische nederlaag tegen de Turken. Mythen moet men blijven voeden.

# Nooit gemerkt dat Milosevic een dictator was

*De aanhangers van Milosevic in Nederland zijn woedend. De uitlevering van de voormalige Joegoslavische president was een wildwestactie, vinden ze. Over de oorlogsmisdaden waarvan hij wordt beschuldigd, willen ze niks weten. 'In een oorlog worden de mensenrechten altijd geschonden. Zo gaat dat nou eenmaal.'*

door Harm Ede Botje

**O**p de avond van de uitlevering heb ik niet naar de televisie gekeken,' bromt Zarko Tuta, voorzitter van de Servische vriendschapsvereniging in Rotterdam, waar vijfhonderd Serviërs bij zijn aangesloten. 'Waarom zou ik kijken hoe een helikopter op een binnenplaats van de gevangenis in Scheveningen landt? Het is toch één grote poppenkast.' Tuta heeft 'nooit gemerkt' dat Milosevic de dictator was voor wie hij in het Westen wordt uitgemaakt. 'Hij heeft geprobeerd de Joegoslavische eenheid te bewaren. Europa heeft hem kapotgemaakt.'

Zarko Tuta weet dat hij in Nederland in de minderheid is. Het is de laatste tijd 'een beetje moeilijk' om hier te wonen. 'Steeds weer word ik aangesproken omdat ik Serviër ben. En steeds weer moet ik uitleggen dat er met twee maten wordt gemeten. De Serviërs worden voortdurend beschuldigd. Zelfs als het regent in Washington krijgen de Serviërs de schuld.'

Jovan Grbic is pianist en muziektheoreticus. In zijn vrije tijd bestiert hij vanuit zijn woonplaats Tilburg het Servische media- en informatiecentrum. Grbic heeft het druk. Deze week vertrekt hij naar Belgrado, waar hij zes weken 'vakantie' houdt in een dorp, vijftien kilometer buiten Belgrado. 'Van vakantie zal het deze keer niet komen. Ik ga praten met mensen over hoe het verder moet met mijn land. Ik wil voorkomen dat het Westen normen en waarden oplegt die de onze niet zijn. Wij zijn orthodoxe christenen. Het oosterse ge-

dachtegoed, dat mag niet worden verkwanseld.'

Als Grbic spreekt over de uitlevering van de voormalige Joegoslavische president, stikt de pianist bijna van woede en verontwaardiging. 'Ik schaam me voor de regering die Milosevic heeft uitgeleverd aan het Westen. Ze zouden de Servische premier Djindjic moeten aanhouden, hij heeft Milosevic verkocht voor drie miljard gulden.'

Milosevic liet via zijn advocaten weten dat hij het Joegoslavië-tribunaal niet erkent. Hij noemde het 'een politiek circus'. Ook Grbic heeft geen goed woord over voor de rechters in Den Haag. 'Het tribunaal is er voor de machtige landen, een plaats waar zij hun tegenstanders kunnen laten veroordelen.'

**'Milosevic is jarenlang democratisch gekozen. Kan hij dan zomaar gekidnapt worden?'**

De afgelopen jaren stuurde Grbic dagelijks zijn artikelen over de rechtszaken bij het tribunaal naar persbureau FRNA van de Republika Srpska. Grbic onderhield goede contacten met de Bosnisch-Servische regering in het ski-oord Pale. Hij ging een paar jaar geleden zelfs op audiëntie bij Radovan Karadzic. 'Waar Karadzic nu is, weet ik niet, en ik wil het ook niet weten,' zegt Grbic.

Over de rol van de westerse media in het algemeen en die in Nederland in het bijzonder is hij slecht te spreken. 'Neem de demonstraties in Belgrado

van de afgelopen dagen. Vijfduizend mensen zouden eropaf zijn gekomen. Onzin, het zijn er eerder tachtig- of negentigduizend geweest. Maar dat komt de journalisten hier slecht uit. Ik blijf doorgaan met mijn informatiecentrum. Ik wil de eer van de Servische ziel redden.' Dat Grbic zelf al jaren in het Westen woont, ziet hij niet als bezwaar. 'Ik ben hier niet gekomen als vluchteling. In de jaren zestig werd ik verliefd op een Nederlandse vrouw, daarom woon ik hier.' Vlak bij het dorp waar Grbic een huis heeft, is onlangs een massagraf gevonden waarvan wordt gezegd dat er Albanezen in liggen. Grbic: 'Totale onzin. Er zouden links en rechts en overal massagraven zijn gemaakt door de Serviërs. De moordpartij op de markt in Sarajevo. Daarvoor zijn de Serviërs absoluut niet verantwoordelijk. Het beroemde graf in Rakak? Dat hebben de Albanezen zelf gemaakt om de aandacht van de wereldpers te krijgen.'

Grbic wil niets horen over oorlogsmisdaden waarvan Milosevic wordt beschuldigd. 'In een oorlog worden de mensenrechten altijd geschonden. Zo gaat dat nou eenmaal. En hoor je in het Westen ooit iemand zeggen dat de Navo-bombardementen in strijd met de mensenrechten waren?'

Grbic gelooft nog steeds in de politicus Milosevic. 'Hij probeerde Groot-Joegoslavië te redden. Het kapitalistische Westen heeft altijd de bedoeling gehad het land kapot te maken. Men kon het niet uitstaan dat een communistisch land goed functioneerde. Dat er een groot en sterk leger was. Dat er een goede infrastructuur was.



Dat de mensen goed leefden zonder al te hard te werken. Dat moest en zou kapot worden gemaakt. De Navo heeft nooit vat gehad op Joegoslavië en nu, na tien jaar oorlog, zit het land aan de grond en is de Navo er heer en meester.'

**N**ico Varkevisser is medewerker van het tijdschrift *Target*, dat is opgericht naar aanleiding van de Navo-bombardementen op Servië. 'Wij vinden dat de Nederlandse media veel te eenzijdig berichten. Daarom wilden we een tegengeluid laten horen, ook al is het maar voor een klein publiek.'

Varkevisser was tot 1984 lid van de CPN en noemt zichzelf 'de laatste aanhanger van Castro' in Nederland. Hij wordt in de Joegoslavische kwestie vooral gedreven door zijn afkeer van de Navo. 'De bevolking hier is op een middeleeuwse manier klaargestoomd voor een lynchpartij. De aanklagers, de rechters en de beulen bij het tribunaal behoren allemaal tot dezelfde groep.' De uitlevering noemt Varkevisser 'pure wildwest'. 'Milosevic is jarenlang democratisch gekozen. Kan hij dan zomaar gekidnapt worden en overgebracht naar een ander land? Daarmee wordt elke internationale rechtsnorm geschonden.'

Natuurlijk zijn er door de Serviërs misdaden gepleegd, zegt Varkevisser. 'Maar waarom blijft iedereen hame ren op de gebeurtenissen in Srebrenica? Waarom hoor je nooit praten over de oorlog in Krajina, waar met Amerikaanse steun door de Kroaten honderdduizenden Serviërs werden verjaagd, die nu in vluchtelingenkampen wonen? En waarom wordt de voormalige Bosnische president Izetbegovic niet aangeklaagd? Omdat hij een bondgenoot van het Westen is.'

Varkevisser is een van de ondertekenaars van een 'internationale petitie' waarin wordt geïmagineerd tegen de uitlevering van Milosevic. 'Heb je daar nog niets van gehoord? De beroemde toneelschrijver Harold Pin-

ter heeft getekend, net als Russische en Italiaanse parlementariërs.' Op de website [emperors-clothes.com/petition](http://emperors-clothes.com/petition) kunnen sympathisanten hun naam achterlaten. 'Wij vragen om een einde aan de vervolging van Joegoslavische leiders, soldaten en burgers, wier enige misdaad was dat zij zich verzetten tegen de Navo-agressie,' staat er in het pamflet. Op de lijst van ondertekenaars staat een handjevol Nederlanders onder wie een hefttruckchauffeur uit Harmelen en een ingenieur uit Enschede. Op de site wordt ook melding gemaakt van het feit dat maar liefst vijfhonderddui-

### 'Servië wordt voor een appel en een ei verkocht. Het wordt een protectoraat van het Westen'

zend Oekraïeners hun handtekening hebben gezet om 'een groot burger van Joegoslavië' te bevrijden uit zijn gevangenis.

Net als Grbic ziet Varkevisser een groot complot van het Westen – en vooral van de Amerikanen – om Joegoslavië voor eens en altijd te onder-

werpen. 'Wist je dat de Amerikanen de grootste militaire basis van Europa aan het bouwen zijn in Kosovo? Daar worden straks troepen naar overgebracht die nu nog in Duitsland gelegerd zijn. Joegoslavië en Servië moeten van de kaart.' Varkevisser ziet ook een verband met de aanleg van een oliepijpleiding door Amerikaanse oliebedrijven van de Zwarte Zee via Bulgarije, Macedonië en Albanië. 'Servië wordt voor een appel en een ei verkocht. Het wordt een protectoraat van het Westen. Het is de reinste kolonialisme.' Van de drie miljard gulden die het Westen aan de Serviërs heeft beloofd om het land weer op te bouwen, zal de bevolking geen cent zien, denkt hij. 'Kroatië en Bosnië gaan miljarden aan herstelbetalingen eisen. Servië zal nog tientallen jaren een armlastig land blijven.'

Onmiddellijk na de uitlevering van Milosevic aan het Joegoslavische tribunaal in Den Haag speelde in Nederland de vraag: zullen er aanslagen komen van Servische heethoofden? Minister Korthals van Justitie en premier Kok deden er het zwijgen toe, maar lieten doorschemeren dat er voorzorgsmaatregelen waren genomen. 'Totaal belachelijk,' zegt Zarko

Tuta van de Servische vriendschapsvereniging. 'Onze leden zijn kapot, ontzet en kwaad,' zegt hij. 'Maar aanslagen plegen, dat doen we niet.' Dat er überhaupt gesproken wordt over aanslagen in Nederland noemt Tuta onderdeel van de 'poppenkast' die wordt opgevoerd om Serviërs verdacht te maken.

Ook Jovan Grbic van het Servische media- en informatiecentrum is verontwaardigd over de suggestie dat in Nederland aanslagen gepleegd zullen worden. 'Als we hadden gewild, was dat allang gebeurd. Er zijn aanleidingen genoeg geweest.'

Grbic voorspelt wel dat de komende maanden de spanningen in zijn eigen land hoog op zullen lopen, omdat de aanhangers van het oude regime de vernederingen niet langer zullen accepteren. 'We zitten vlak voor een aardbeving.' Ook Nico Varkevisser vreest voor een explosie van geweld in Servië: 'Wie de Servische geschiedenis kent, weet dat de bevolking zich niet neer zal leggen bij de onderwerping aan het Westen. De Navo zal duur betalen voor de overwinning op Milosevic. Er zullen duizenden doden vallen. Het Westen heeft een nieuw Tsjetsjenie gecreëerd.'

5



MARCEL ANTONISSE/ANP

In Nederland wonende Serviërs dragen een reusachtige Servische vlag tijdens een demonstratie in Den Haag tegen de Navo, 2 mei 1999

Despotovic, Ruza

Van: Despotovic Ruza [despot@wishmail.net]  
Verzonden: donderdag 13 januari 2000 23:27  
Aan: Globalreflexion; Herman TI; Dolf Loth; Ruza Despotovic  
Onderwerp: 8 ([http://news.suc.org/bydate/Jan\\_13/8.html](http://news.suc.org/bydate/Jan_13/8.html))

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

Search suc.org:

<http://news.suc.org/images/black1px.gif> Choose S.U.C. Page About S.U.C. S.U.C.  
Activities News from Serbia Kosovo Crisis Bosnia, Croatia Help children BLAGO Fund Serbian  
History Serbian Art Book Library Become a member  
<http://news.suc.org/images/black1px.gif> [http://news.suc.org/images/suc\\_grb.gif](http://news.suc.org/images/suc_grb.gif)

<http://news.suc.org/images/1px.gif>

## Louise Arbour: Unindicted War Criminal

Christopher Black and Edward S. Herman

Among the many ironies of the NATO war against Yugoslavia was the role of the International Criminal Tribunal and its chief prosecutor, Louise Arbour, elevated by Canadian Prime Minister Jean Chretien to Canada's highest court in 1999. It will be argued here that that award was entirely justified on the grounds of political service to the NATO powers, but a monumental travesty if the question of the proper administration of justice enters the equation. In fact, it will be shown below that as Arbour and her Tribunal played a key role in EXPEDITING war crimes, an excellent case can be made that in a just world she would be in the dock rather than in judicial robes.

### Arbour To NATO's Rescue

The moment of truth for Arbour and the Tribunal came in the midst of NATO's 78-day bombing campaign against Yugoslavia, when Arbour appeared, first, in an April 20 press conference with British Foreign Secretary Robin Cook to receive from him documentation on Serb war crimes. Then on May 27, Arbour announced the indictment of Serb President Slobodan Milosevic and four of his associates for war crimes. The inappropriateness of a supposedly judicial body doing this in the midst of the Kosovo war, and when Germany, Russia and other powers were trying to find a diplomatic resolution to the conflict, was staggering.

At the April 20 appearance with Cook, Arbour stated that "It is inconceivable...that we would in fact agree to be guided by the political will of those who may want to advance an agenda." But her appearance with Cook and the followup indictments fitted perfectly the agenda needs of the NATO leadership. There had been growing criticism of NATO's increasingly intense and civilian infrastructure-oriented bombing of Serbia, and Blair and Cook had been lashing out at critics in the British media for insufficient enthusiasm for the war. Arbour's and the Tribunal's intervention declaring the Serb leadership to be guilty of war crimes was a public relations coup that justified the NATO policies and helped permit the bombing to continue and escalate. This was pointed out repeatedly by NATO leaders and propagandists: Madeleine Albright noted that the indictments "make very clear to the world and the publics in our countries that this [NATO policy] is justified because of the crimes committed, and I think also will enable us to keep moving all these

processes [i.e., bombing] forward" (CNN, May 27). State Department spokesman James Rubin stated that "this unprecedented step...justifies in the clearest possible way what we have been doing these past months" (CNN Morning News, May 27).

Although the Tribunal had been in place since May 1993, and the most serious atrocities in the Yugoslav wars occurred as the old Federation disintegrated from June 1991 through the Dayton peace talks in late 1995, no indictment was brought against Milosevic for any of those atrocities, and the May 27 indictment refers only to a reported 241 deaths in the early months of 1999. The indictment appears to have been hastily prepared to meet some urgent need. Arbour even mentioned on April 20 that she had "visited NATO" to "dialogue with potential information providers in order to generate unprecedented support that the Tribunal needs if it will perform its mandate in a time frame that will make it relevant to the resolution of conflict...of a magnitude of what is currently unfolding in Kosovo." But her action impeded a negotiated resolution, although it helped expedite a resolution by intensified bombing.

Arbour herself noted that "I am mindful of the impact that this indictment may have on the peace process," and she said that although indicted individuals are "entitled to the presumption of innocence until they are convicted, the evidence upon which this indictment was confirmed raises serious questions about their suitability to be guarantors of any deal, let alone a peace agreement." (CNN Live Event, Special, May 27). So Arbour not only admitted awareness of the political significance of her indictment, she suggested that her possible interference with any diplomatic efforts was justified because the indicted individuals, though not yet found guilty, are not suitable to negotiate. This hugely unjudicial political judgment, along with the convenient timing of the indictments, points up Arbour's and the Tribunal's highly political role.

#### Background of the Tribunal's Politicization

Arbour's service to NATO in indicting Milosevic was the logical outcome of the Tribunal's de facto control and purpose. It was established by the Security Council in the early 1990s to serve the Balkan policy ends of its dominant members, especially the United States. (China and Russia went along as silent and powerless partners, apparently in a trade-off for economic concessions.) And its funding and interlocking functional relationship with the top NATO powers have made it NATO's instrument.

Although Article 32 of its Charter declares that the Tribunal's expenses shall be provided in the general budget of the United Nations, this proviso has been regularly violated. In 1994-1995 the U.S. government provided it with \$700,000 in cash and \$2.3 million in equipment (while failing to meet its delinquent obligation to the UN that might have allowed the UN itself to fund the Tribunal). On May 12, 1999, Judge Gabrielle Kirk McDonald, president of the Tribunal, stated that "the U.S. government has very generously agreed to provide \$500,000 [for an Outreach project] and to help to encourage other states to contribute." Numerous other U.S.-based governmental and non-governmental agencies have provided the Tribunal with resources.

Article 16 of the Tribunal's charter states that the Prosecutor shall act independently and shall not seek or receive instruction from any government. This section also has been systematically violated. NATO sources have regularly made claims suggesting their authority over the Tribunal: "We will make a decision on whether Yugoslav actions against ethnic Albanians constitute genocide," states a USIA Fact Sheet, and Cook asserted at his April 20 press conference with Arbour that "we are going to focus on the war crimes being committed in Kosovo and our determination to bring those responsible to justice," as if he and Arbour were a team jointly and cooperatively deciding on who should be charged for war crimes, and obviously excluding himself from those potentially chargeable. Earlier, on March 31, two days after Cook had promised Arbour supportive data for criminal charges, she announced the indictment of Arkan.

Tribunal officials have even bragged about "the strong support of concerned governments and

dedicated individuals such as Secretary Albright," further referred to as "mother of the Tribunal" (by Gabrielle Kirk McDonald). The post-Arbour chief prosecutor Carla Del Ponte at a September 1999 press conference thanked the US FBI for helping the Tribunal, and expressed general thanks for "the important support the U.S. government has provided the Tribunal." Arbour herself informed President Clinton of the forthcoming indictment of Milosevic two days before the rest of the world, and in 1996 the prosecutor met with the Secretary-General of NATO and its supreme commander to "establish contacts and begin discussing modalities of cooperation and assistance." Numerous other meetings have occurred between prosecutor and NATO, which was given the function of Tribunal gendarme. In the collection of data also, the prosecutor has depended heavily on NATO and NATO governments, which again points to the symbiotic relation between the Tribunal and NATO.

### Serb-Specific Focus

The NATO powers focused almost exclusively on Serb misbehavior in the course of their participation in the breakup of Yugoslavia, and the Tribunal has followed in NATO's wake. A great majority of the Tribunal's indictments have been of Serbs, and those against Croats and Muslims often seemed to have been timed to counter claims of anti-Serb bias (e.g., the first non-Serb indictment [Ivica Rajic], announced during the peace talks in Geneva and bombing by NATO in September 1995).

Arbour herself did state (April 20) that "the real danger is whether we would fall into that [following somebody's political agenda] inadvertently by being in the hands of information-providers who might have an agenda that we would not be able to discern." But even an imbecile could discern that NATO had an agenda and that simply accepting the flood of documents offered by Cook and Albright entailed advertently following that agenda. Arbour even acknowledged her voluntary and almost exclusive "dependencies...on the goodwill of states" to provide information that "will guide our analysis of the crime base." And her April 20 reference to the "morality of the [NATO's] enterprise" and her remarks on Milosevic's possible lack of character disqualifying him from negotiations, as well as her rush to help NATO with an indictment, point to quite clearly understood political service.

In a dramatic illustration of Arbour-Tribunal bias, a 150 page Tribunal report entitled "The Indictment Operation Storm: A Prima Facie Case," describes war crimes committed by the Croatian armed forces in their expulsion of more than 200,000 Serbs from Krajina in August 1995, during which "at least 150 Serbs were summarily executed, and many hundreds disappeared." This report, leaked to the New York Times (to the dismay of Tribunal officials), found that the Croatian murders and other inhumane acts were "widespread and systematic," and that "sufficient material" was available to make three named Croatian generals accountable under international law. (Raymond Bonner, "War Crimes Panel Finds Croat Troops 'Cleansed' the Serbs," NYT, March 21, 1999). But the Times article also reports that the United States, which supported the Croat's ethnic cleansing of Serbs in Krajina, not only defended the Croats in the Tribunal but refused to supply requested satellite photos of Krajina areas attacked by the Croats, as well as failing to provide other requested information. The result was that the Croat generals named in the report on Operation Storm were never indicted, and although the number of Serbs executed and disappeared over a mere four days was at least equal to the 241 victims of the Serbs named in the indictment of Milosevic, no parallel indictment of Croat leader Tudjman was ever brought by the Tribunal. But this was not a failure of data gathering—the United States opposed indictments of its allies, and thus the Tribunal did not produce any.

### Tribunal's Kangaroo Court Processes

Arbour has claimed that the Tribunal was "subject to extremely stringent rules of evidence with respect to the admissibility and the credibility of the product that we will tender in court" so that she was guarded against "unsubstantiated, unverifiable, uncorroborated allegations" (April 20).

is a gross misrepresentation of what John Laughland described in the Times (London) as "a rogue court with rigged rules" (June 17, 1999). The Tribunal violates virtually every standard of due process: it fails to separate prosecution and judge; it does not accord the right to bail or a speedy trial; it has no clear definition of burden of proof required for a conviction; it has no independent appeal body; it violates the principle that a defendant may not be tried twice for the same crime (Article 25 gives the prosecutor the right to appeal against an acquittal); suspects can be held for 90 days without trial; under Rule 92 confessions are presumed to be free and voluntary unless the contrary is established by the prisoner; witnesses can testify anonymously, and as John Laughland notes, "rules against hearsay, deeply entrenched in Common Law, are not observed and the Prosecutor's office has even suggested not calling witnesses to give evidence but only the tribunal's own 'war crimes investigators.'"

As noted, Arbour presumes guilt before trial; the concept of "innocent till convicted" is rejected, and she can declare that people linked with Arkan "will be tainted by their association with an indicted war criminal" (March 31). Arbour clearly does not believe in the basic rules of Western jurisprudence, and Laughland quotes her saying "The law, to me, should be creative and used to make things tight." And within a month of her elevation to the Canadian Supreme Court she was a member of a court majority that grafted onto Canadian law the dangerously unfair Tribunal practice of permitting a more liberal use of hearsay evidence in trials. The consequent corruption of the Canadian justice system, both by her appointment and her impact, mirrors that in the Canadian political system, whose leading members supported the NATO war without question.

#### NATO's Crimes

In bombing Yugoslavia from March 24 into June 1999, NATO was guilty of the serious crime of violating the UN Charter requirement that it not use force without UN Security Council sanction. It was also guilty of criminal aggression in attacking a sovereign state that was not going beyond its borders. In its defense, NATO claimed that "humanitarian" concerns demanded these actions and thus justified seemingly serious law violations. Apart from the fact that this reply sanctions law violations on the basis of self-serving judgments that contradict the rule of law, it is also called into question on its own grounds by counter-facts. First, the NATO bombing made "an internal humanitarian problem into a disaster" in the words of Rollie Keith, the returned Canadian OSCE human rights monitor in Kosovo. Second, the evidence is now clear that NATO refused to negotiate a settlement in Kosovo and insisted on a violent solution; that in the words of one State Department official, NATO deliberately "raised the bar" and precluded a compromise resolution because Serbia "needed to be bombed." These counter-facts suggest that the alleged humanitarian basis of the law violations was a cover for starkly political and geopolitical objectives.

NATO was also guilty of more traditional war crimes, including some that the Tribunal had found indictable when carried out by Serbs. Thus on March 8, 1996, the Serb leader Milan Martić was indicted for launching a rocket cluster-bomb attack on military targets in Zagreb in May 1995, on the ground that the rocket was "not designed to hit military targets but to terrorize the civilians of Zagreb." The Tribunal report on the Croat Operation Storm in Krajina also provided solid evidence that a 48 hour Croat assault on the city of Knin was basically "shelling civilian targets," with fewer than 250 of 3,000 shells striking military targets. But no indictments followed from this evidence or for any other raid.

The same case for civilian targeting could be made for numerous NATO bombing raids, as in the cluster-bombing of Nis on May 7, 1999, in which a market and hospital far from any military target were hit in separate strikes—but no indictment has yet been handed down against NATO.

But NATO was also guilty of the bombing of non-military targets as systematic policy. On March 26, 1999, General Wesley Clark said that "We are going to very systematically and progressively work on his military forces...[to see] how much pain he is willing to suffer." But this focus on

military forces" wasn't effective, so NATO quickly turned to "taking down...the economic apparatus supporting" Serb military forces (Clinton's words), and NATO targets were gradually extended to factories of all kinds, electric power stations, water and sewage processing facilities, all transport, public buildings, and large numbers of schools and hospitals. In effect, it was NATO's strategy to bring Serbia to its knees by gradually escalating its attacks on the civil society.

But this policy was in clear violation of international law, one of whose fundamental elements is that civilian targets are off limits; international law prohibits the "wanton destruction of cities, towns or villages or devastation not justified by military necessity" (Sixth Principle of Nuremberg, formulated in 1950 by an international law commission at the behest of the UN). "Military necessity" clearly does not allow the destruction of a civil society to make it more difficult for the country to support its armed forces, any more than civilians can be killed directly on the ground that they pay taxes supporting the war machine or might some day become soldiers. The rendering of an entire population a hostage is a blatant violation of international law and acts carrying it out are war crimes.

On September 29, 1999, in response to a question on whether the Tribunal would investigate crimes committed in Kosovo after June 10, or those committed by NATO in Yugoslavia, prosecutor Carla del Ponte stated that "The primary focus of the Office of the Prosecutor must be on the investigation and prosecution of the five leaders of the FRY and Serbia who have already been indicted." Why this "must" be the focus, especially in light of all the evidence already assembled in preparing the favored indictments, was unexplained. In late December, it was finally reported that Del Ponte was reviewing the conduct of NATO, at the urging of Russia and several other "interested parties" ("U.N. Court Examines NATO's Yugoslavia War," NYT, Dec. 29, 1999). But the news report itself indicates that the focus is on the conduct of NATO pilots and their commanders, not the NATO decision-makers who made the ultimate decisions to target the civilian infrastructure. It also suggests the public relations nature of the inquiry, which would "go far in dispelling the belief...that the tribunal is a tool used by Western leaders to escape accountability." The report also indicates the delicate matter that the tribunal "depends on the military alliance to arrest and hand over suspects." It also quotes Del Ponte saying that "It's not my priority, because I have inquiries about genocide, about bodies in mass graves." We may rest assured that no indictments will result from this inquiry.

An impartial Tribunal would have gone to great pains to balance NATO's flood of documents by internal research and a welcoming of rival documentation. But although submissions have been made on NATO's crimes by Yugoslavia and a number of Western legal teams, the Tribunal didn't get around to these until this belated and surely nominal inquiry that is "not my priority," as the Tribunal "must" pursue the Serb villains, for reasons that are only too clear.

### Beyond Orwell

NATO's leaders, frustrated in attacking the Serb military machine, quite openly turned to smashing the civil society of Serbia as their means of attaining the quick victory desired before the 50th Anniversary celebration of NATO's founding. Although this amounted to turning the civilian population of Serbia into hostages and attacking them and their means of sustenance—in gross violation of the laws of war—Arbour and her Tribunal not only failed to object to and prosecute NATO's leaders for war crimes, by indicting Milosevic on May 27 they gave NATO a moral cover permitting escalated attacks on the hostage population.

Arbour and the Tribunal thus present us with the amazing spectacle of an institution supposedly organized to contain, prevent, and prosecute for war crimes actually knowingly facilitating them. Furthermore, petitions submitted to the Tribunal during Arbour's tenure had called for prosecution of the leaders of NATO, including Canadian Prime Minister Jean Chretien, for the commission of war crimes. If she had been a prosecutor in Canada, Britain or the United States, she would have

...subject to disbarment for considering and then accepting a job from a person she had been asked to charge. But Arbour was elevated to the Supreme Court of Canada by Chretien with hardly a mention of this conflict of interest and immorality.

In this post-Orwellian New World Order we are told that we live under the rule of law, but as Saint Augustine once said, "There are just laws and there are unjust laws, and an unjust law is no law at all."

Christopher Black is a Toronto defense lawyer and writer and one of the lawyers who made the request to the War Crimes Tribunal to indict NATO leaders for war crimes. Edward Herman is an economist and media analyst; his most recent book is *The Myth of the Liberal Media: An Edward Herman Reader* (Peter Lang, 1999).

home <<http://news.suc.org/>> | suc home <<http://www.suc.org/>> | suc info  
<<http://www.suc.org/sucinfo/>> | site map <<http://www.suc.org/sitemap.html>> | membership  
<<http://www.suc.org/membership.html>> | contact <<http://news.suc.org/comments.html>>  
© 1996-99 Serbian Unity Congress.

GO BACK

Justice Carla Del Ponte,  
Chief Prosecutor,  
International Criminal Tribunal for the Former Yugoslavia,  
Churchillplein 1, 2501 EW,  
The Hague,  
Netherlands

SENT BY COURIER

March 15, 2000

Dear Justice Del Ponte:

Re William J. Clinton et al.

We write to you for two reasons.

First, we wish to draw your attention to the Human Rights Watch Report, Civilian Deaths in the NATO Air Campaign (February 2000). In our submission this is yet another clear indication of crimes committed within your jurisdiction. Giving every benefit of the doubt to NATO, Human Rights Watch has confirmed approximately 500 civilian deaths as a direct result of NATO bombing practices in violation of the norms of international law: in deliberate attacks on illegitimate targets, in the refusal to take the necessary, often elemental, precautions to protect civilian life and in the use of cluster bombs. Human Rights Watch has also confirmed that leading NATO officials lied about the nature and extent of these incidents. We are quite aware that Human Rights Watch has chosen to characterize these incidents as "violations of international humanitarian law" and not as "war crimes." But the report does not attempt to defend making this distinction and it is not, in this context, defensible. As you know, Articles 1 and 16 of your governing Statute oblige you to prosecute "serious violations of international humanitarian law" of the four types described by Articles 2 ("grave breaches of the Geneva conventions of 1949), 3 ("violations of the laws and customs of war"), 4 ("genocide") and 5 ("crimes against humanity"). The evidence in the Human Rights Watch Report is factual evidence (to be added to the massive evidence already in your possession), of clear violations of Articles 2, 3 and 5. By definition, these are "serious" violations - if the massacre of innocent children, women and men is not "serious" enough - and therefore "war crimes" as far as your tribunal is concerned. No legal conclusion to the contrary of Human Rights Watch could relieve you of your duty to prosecute the individual NATO leaders responsible for the crimes against civilians factually confirmed in the report.

Secondly, we feel we must protest your recent statements and those of your spokesman, which, combined with your failure to act on the thousands of complaints against NATO that have reached your office over the past year, are turning this investigation into more of a farce than a judicial proceeding. We regret to say that, for all the faith that has been put in your Tribunal by the people of the world, it continues to conduct itself as if it were an organ of NATO and not of the United Nations.

In December you told the press that you would indict those responsible if you concluded NATO had violated the Geneva Conventions. You said "If I am not willing to do that, I am not in the right place: I must give up the mission". However, following NATO and American protests, you hastily issued a statement on December 30, 1999 stating that "NATO is not under investigation" and that there was "no formal inquiry."

On January 3, we wrote to you asking you to clarify the status of the inquiry and you said you would respond in due course. But on January 19 you went to NATO headquarters to meet in private session with NATO Secretary General George Robertson, himself the subject of numerous war crimes complaints to you. At that time you assured the press that you had not even raised the questions of crimes committed by him and other NATO leaders. Next (February 1), you met in London with British Foreign Secretary Robin Cook, also the subject of many war crimes complaints, and when asked about them, you said "Our work is not done but what we can say is that up until now we have no indications that we should open an inquiry." We wrote to you again on February 4 asking you to confirm this statement and explain it. Your special assistant replied on your behalf on February 8, 2000 saying that the statement "meant exactly what

it said. Up to this point, there is nothing to indicate that a full investigation is required, but the Office is continuing to study the material that you and others have submitted." As recently as March 9, your official spokesman declared to the press that NATO armies "respect the rule of law" and that "a prosecution is very unlikely," while you repeated that your "work" was continuing.

This is nothing short of a disgrace. If, despite all the evidence that has been provided to you since the first complaint reached your office in April 1999, followed by thousands more from lawyers, legislators and citizens around the world, you have still seen "nothing to indicate" that even an investigation is required, the only possible conclusion to draw is that you are not serious about your duties, and perhaps never were. If you cannot apply the law to NATO as well as to NATO's enemies, it seems that you are not, in your own words, "in the right place" and should, indeed, "give up the mission."

The fact is, as you well know, that the NATO leadership, from the Presidents and Prime Ministers on down, including those you have recently been meeting and collaborating with, have committed crimes of the utmost seriousness that the Statute creating your tribunal absolutely obliges you to prosecute. In violation of international law, the Charter of the United Nations, and the Geneva Conventions, these NATO leaders ordered a bombing campaign that, in attacking Yugoslavia with more than 25,000 bombs and missiles:

- directly killed between 500 and 1800 civilian children, women and men of all ethnicities and permanently injured as many others;
- indirectly caused the death of thousands more, by provoking the retaliatory and defensive measures that are entirely predictable when a war of this kind and intensity is undertaken, and by giving a free hand to extremists on both sides;
- directly and indirectly caused a refugee crisis of enormous proportions, with about 1 million fleeing Kosovo during the bombing;
- caused 60 to 100 billion dollars worth of damage to an already impoverished country; and
- left in its wake a Kosovo of lawlessness and ethnic violence, under the direct supervision of NATO, in which hundreds have been murdered and hundreds of thousands driven out.

Not only was this anti-humanitarian war illegal in itself, it was, as you well know, carried out in flagrant and direct violation of the Geneva Conventions, norms of international law that it is your duty to enforce. According to admissions made in public throughout the war and after it, according to eye-witness

reports and according to powerful circumstantial evidence displayed on the world's television screens during the bombing campaign - evidence good enough to convict in any criminal court in the world - these NATO leaders deliberately and illegally made targets of places and things with only tenuous or slight military value or no military value at all, such as city bridges, factories, hospitals, electricity plants, marketplaces, downtown and residential neighbourhoods, and television studios, all such targets being strictly prohibited by the Geneva Conventions. The same evidence shows that, in doing this, the NATO leaders aimed to demoralize and break the will of the people, not to defeat the army.

You know that one reason these civilian targets are illegal is that civilians are very likely to be killed or injured when such targets are hit. And all of the NATO leaders knew that, too. They were carefully told that by their military planners. And they still went ahead and did it. Indeed, there is persuasive evidence in your hands that, in some circumstances at least, NATO not only knowingly killed civilians, but deliberately set out to do so: for example on the Grdelica and Varvarin bridges (April 12 and May 30) and the NIS marketplace (May 7).

This strategy was carried out without any risk to the NATO soldiers and pilots, much less the leaders themselves, once again in direct violation of the Geneva Conventions. This was a war fought against civilians of all ethnicities with bombing from altitudes so high that the civilians bore all the risks of the "inevitable collateral damage".

Far from a "humanitarian intervention" - not that this could ever excuse the wholesale killing of innocent civilians - this was a coldly strategic enterprise. It exploited as well as exacerbated a tragedy for which the NATO countries' themselves must bear a large share of the responsibility: in more than a decade of beggaring Yugoslavia for motives of sheer greed, in encouraging the KLA in its deliberate provocations, in throwing aside every opportunity for peace at Rambouillet and elsewhere, in undermining and ultimately withdrawing the OSCE observer force. As you know, most of the world rejects NATO's humanitarian claims and we feel that we must remind you once again that you are a United Nations organ, not a NATO organ. In fact, we believe that this war must be understood as an attempt by the United States, through NATO, to overthrow the authority of the United Nations and to replace it with NATO's military might, to be used wherever strategically advantageous and whatever the human consequences.

It is no secret that the Americans sponsored the creation of your tribunal to advance their own strategic ends. Despite these questionable origins we have given your tribunal every opportunity to vindicate itself. We have given it every benefit of the doubt even in the face of mounting evidence that it did not deserve it:

- when, in January, 1999, then prosecutor Judge Louise Arbour made her dramatic for-the-press appearance at the border of Kosovo, hastily lending unwarranted credibility to contested American accounts of atrocities at Racak, a major precipitating justification of the war;
- when, only days after the bombing had commenced, she announced the indictment of "Arkan," an indictment that had been kept secret since 1997;
- when, as the civilian casualties began to mount, Justice Arbour made television appearances with NATO leader Robin Cook, already the subject of numerous complaints, so that he could make a great show of handing over war crimes dossiers against NATO's enemies;
- when, soon after, she met with Madeleine Albright, herself by then the subject of well-grounded complaints before the Tribunal, and Albright took the opportunity to announce that the United States was the major provider of funds to the Tribunal;
- when, two weeks later, in the midst of the bombing, Judge Arbour announced the indictment of Slobodan Milosevic, on the basis of undisclosed evidence, for Racak and events which had occurred only six weeks earlier in the middle of a war zone, on what, in other words, must have been very flimsy and suspicious evidence;

Compare this to your inability to even "open an investigation" after one year of being provided with overwhelming evidence in the public domain of NATO leaders' crimes which, on the most conservative estimates, resulted in the deaths of far more civilians than those for which the Serb leadership was so quickly indicted;

- and when, at the conclusion of the bombing, Judge Arbour handed over the investigation of war crimes in Kosovo to the NATO countries' own police forces, notwithstanding that they had every motive to falsify the evidence.

These could not be regarded as the acts of an impartial prosecutor. Not when NATO was in the midst of a controversial war in flagrant violation of international law.

We sincerely hoped for better things from you, coming as you did from a country outside of the NATO alliance. But immediately upon taking up your post you declared that your priorities were in the prosecution of the Serb leadership - a de facto immunity for the NATO leaders which we tried, evidently in vain, to persuade you was a violation of your legal and moral duties to all the victims, present and future, of aggressor states. And now these contradictory declarations, this unseemly consorting with the people you should be investigating, and this inexcusable failure to even open an investigation. It is clear to us that you suffer from the same judicial deficit as did your predecessor.

We hope that you realize the implications of what you are doing: that you are irreparably discrediting the work of your tribunal - or do you expect anyone to put any faith in the findings of a biased judicial institution or to co-operate with it? - that you are dealing blows to international law from which it will be difficult for it ever to recover; that your actions and inactions have encouraged NATO in its violence against the civilian population of Yugoslavia and in the cruel sanctions it continues to impose upon it; and that you, too, must therefore bear a share of the blame for all this suffering.

Yours very truly,

Michael Mandel  
Professor,  
for myself and for

David Jacobs, Shell Jacobs, Lawyers, 672 Dupont street, Suite 401,  
Toronto, Canada M6G 1Z6;

Glen Rangwala, Movement for the Advancement of International Criminal  
Law, Trinity College, University of Cambridge, Cambridge CB2 1TQ, United  
Kingdom; and

André Savik, The Balkan Charter, Schoningsgt. 43, 0362 Oslo, Norway.

cc. His Excellency Mr. Anwarul Karim Chowdhury (Bangladesh), President

of the Security Council, Room 3520, The United Nations, New York, New York, U.S.A. 10017;

Mr. Kofi Annan, Secretary-General of the United Nations, Room 3800, The United Nations, New York, New York, U.S.A. 10017;

Judge Claude Jorda, President, The International Tribunal for the Former Yugoslavia, Churchillplein 1, 2501 EW, The Hague, Netherlands.

GO BACK

This web site, intended for research purposes, contains copyright material included "for fair use only"

[HOME - BACK](#)

Reuters, June 20 2000

**Russia, China Gang Up on Ex-Yugo War Crimes Court**

by Irwin Arieff

UNITED NATIONS (Reuters) -

Moscow and Beijing on Tuesday accused a U.N. tribunal of playing politics in prosecuting suspected war criminals in the Balkans and called on the Security Council to keep a close eye on its operations.

Russia's U.N. ambassador Sergei Lavrov told the council The Hague-based court on the former Yugoslavia had adopted "an anti-Serb line" and might need as much as 20 years to wrap up its work, necessitating careful scrutiny to keep it in line.

Lavrov particularly objected to sealed indictments and a deal with NATO to hunt down suspects in Bosnia without consulting the council. He also faulted the tribunal for not prosecuting NATO for inflicting harm on civilians in Serbia during its bombing campaign over the Kosovo crisis last year.

China's envoy, Shen Guofang, lectured tribunal President Claude Jorda, who appeared at an open council meeting, that the tribunal had become "a political tool ... because you are affected too much by politics."

The tribunal, created in 1993 with a four-year life and extended another four years in 1997, has indicted 96 people and detained 36 of them on charges of crimes against humanity in the conflicts in Bosnia and Kosovo.

But proceedings are being handled by just 14 judges while the accused can spend years in detention awaiting trial.

Both Canada and the United States strongly defended the court against Russian and Chinese attacks.

Charges of bias "not only are not proven -- they are not accurate," U.S. Ambassador Richard Holbrooke said, adding he was "deeply concerned" by the attacks by "other delegations." Canada's representative, Michel Duval, dismissed the charges as "simply not substantiated by the facts."

Jorda at a later press conference denied any unfairness. He acknowledged the court was plagued by delays but said it could complete all initial trials by the end of 2007 -- rather than the current estimate of 2016 -- if new reforms were approved.

Jorda admitted that most of the indicted suspects were Serbs but said the court had never been asked to pursue an equal number of Serbs, Croats and Muslims for crimes committed during the Bosnian war and more recently, in Kosovo.

Among the 27 Serb fugitives being sought by the tribunal is Yugoslav President Slobodan Milosevic, who, according to U.S. media reports, was the focus of negotiations involving Washington and other NATO countries seeking immunity from prosecution for Milosevic if he agreed to stand down.

The State Department has denied the report.

Jorda said granting immunity to Milosevic "would be a severe blow" to the tribunal. "This would be particularly hard because Mr. Milosevic has been accused, he is an indicted criminal. He should be at The Hague."

Holbrooke, in his council address said: "I want to point out in the clearest possible terms that long-term peace and stability in the Balkans will not be possible as long as the current leadership in Belgrade is in power. And those people who have been indicted also should be brought to justice."

Under Milosevic's leadership, the Serb-dominated Yugoslav army conducted a reign of terror against the ethnic Albanian majority in Kosovo until last year's NATO bombing campaign.

The procedural changes sought by the tribunal's judges center on speeding up pretrial proceedings typically conducted while the accused remains in detention.

One reform sought from the Security Council would let the tribunal draw on a pool of outside legal aides to rule in pretrial proceedings, easing the burden of the tribunal's regular judges.

[HOME - BACK](#)

This web site, intended for research purposes, contains copyright material included "for fair use only".

## Press Release · Communiqué de presse

(Exclusively for the use of the media. Not an official document)

The Hague, 27 May 1999

JL/PIU/404-E

### STATEMENT BY JUSTICE LOUISE ARBOUR, PROSECUTOR ICTY

On May 22, I presented an indictment for confirmation against Slobodan Milosevic and four others charging them with crimes against humanity - specifically murder, deportation and persecutions, and with violations of the laws and customs of war. The indictment was confirmed by a Judge of this Tribunal on May 24. The indictment was the subject of a non-disclosure order which expired at noon today. I sought this order on the basis of security considerations, in particular for the UN humanitarian mission which left the former Yugoslavia this morning.

The following accused are jointly indicted:

SLOBODAN MILOSEVIC, President of the Federal Republic of Yugoslavia,

MILAN MILUTINOVIC, President of the Republic of Serbia,

NIKOLA SAINOVIC, Deputy Prime Minister of the Federal Republic of Yugoslavia,

DRAGOLJUB OJDANIC, Chief of the General Staff of the Armed Forces of the Federal Republic of Yugoslavia, and

VLAJKO STOJILJKOVIC, Minister of Internal Affairs of the Republic of Serbia.

Arrests warrants have been issued against all five accused and are being served on all Member States of the United Nations and Switzerland. The warrants are accompanied by a court order requesting all States to search for and freeze any and all assets of the accused under their jurisdiction. This order was sought to prevent foreign assets being used for the purpose of evading justice, and to permit effective restitution to be made upon conviction. These provisional measures are granted without prejudice to the rights of third parties.

This indictment is the product of intense efforts by a large number of people in my Office. It does not represent the totality of the charges that may result from our continuing investigations of these accused, nor does it represent our final determination of the responsibility of others in relation to the same events. The present indictment is based exclusively on crimes committed since the beginning of 1999 in Kosovo. We are continuing to develop an evidentiary base upon which I believe we will be able to expand upon the present charges. We are still actively investigating other incidents in Kosovo, as well as the role of the accused, or of some of them, in Croatia and Bosnia in earlier years. We are also still investigating the role and responsibility of others into the crimes contained in this indictment.

Although this broad investigation is on-going, we had reached a point, at the end of last week where, in my view, we had sufficient evidence of these very serious offences committed by these accused to require us to bring these charges at this stage. As usual, this indictment was the subject of thorough scrutiny within the Office of the Prosecutor before being submitted to a Judge for

confirmation. In order to have the indictment confirmed, the Prosecutor must present a *prima facie* case. In his decision confirming the indictment, Judge David Hunt said:

*"A prima facie case on any particular charge exists in this situation where the material facts pleaded in the indictment constitute a credible case which would (if not contradicted by the accused) be a sufficient basis to convict him of that charge."*

We have received, and we are continuing to receive valuable information from governments, as well as from groups and individuals. We are still awaiting further evidence that I believe many States will be able to contribute to our larger investigation. I repeat my pressing call to them to come forward and be responsive to our outstanding and future Requests for Assistance in relation to evidence in their possession.

I also call upon all States to comply with the execution of these, and all outstanding arrests warrants issued by the Tribunal. These warrants are issued under the authority of a Security Council resolution, which requires all States to comply with the orders of the Tribunal. I call in particular on the authorities of the Federal Republic of Yugoslavia, and especially on the Minister of Justice, to stand up for the Rule of Law, and to request that all the accused voluntarily submit to the jurisdiction of the Tribunal, or, should they fail to do so, to provide for their arrest and transfer to The Hague.

I have been stressing for several months now our commitment to functioning as a real time law enforcement operation. I believe that it is an extraordinary achievement, by any law enforcement standard, for us to have brought to successful confirmation, an indictment against the five accused, for crimes of this magnitude committed since the beginning of this year. This has been achieved in less than five months, under the demanding requirements of the Tribunal's Rules of Procedure and Evidence, which compel the production to a Judge of detailed supporting materials to substantiate the charges. The supporting materials, which contain witness statements and relevant documents, which were filed with the Registry, will not be disclosed until the accused appear to answer the charges.

Finally, I am mindful of the impact that this indictment may have on the peace process in the Federal Republic of Yugoslavia. I am confident, as was obviously the Security Council in creating this Tribunal and in calling upon it several times in the last year to address this issue, that the product of our work will make a major contribution to a lasting peace, not only in Kosovo, but in the whole region in which we have jurisdiction. No credible, lasting peace can be built upon impunity and injustice. The refusal to bring war criminals to account would be an affront to those who obey the law, and a betrayal of those who rely on it for their life and security.

Although the accused are entitled to the benefit of the presumption of innocence until they are convicted, the evidence upon which this indictment was confirmed raises serious questions about their suitability to be the guarantors of any deal, let alone a peace agreement. They have not been rendered less suitable by the indictment. The indictment has simply exposed their unsuitability.

An independent review by a Judge of this Tribunal has confirmed that there is a credible basis to believe that these accused are criminally responsible for the deportation of 740,000 Kosovo Albanians from Kosovo, and for the murder of over 340 identified Kosovo Albanians. The victims were entitled to expect protection from each one of these accused.

This indictment is directed against the five named accused. It is not directed against the State of the Federal Republic of Yugoslavia, nor against its people. Whatever the differences amongst the citizens of the FRY, and the differences they may have with other nations, I believe that they will

ect their leaders who have abused their trust, to come to The Hague to respond to these  
cusations.

2 A

<http://www.un.org/icty/pressreal/p404-e.htm>

28.5.99

## Press Release · Communiqué de presse

(Exclusively for the use of the media. Not an official document)

The Hague, 27 May 1999

JL/PIU/403-E

### **PRESIDENT MILOSEVIC AND FOUR OTHER SENIOR FRY OFFICIALS INDICTED FOR MURDER, PERSECUTION AND DEPORTATION IN KOSOVO**

Today, Thursday 27 May 1999, the International Criminal Tribunal for the former Yugoslavia (ICTY) has announced the indictment of, and has issued warrants of arrests against:

- Slobodan MILOSEVIC, the President of the Federal Republic of Yugoslavia (FRY),
- Milan MILUTINOVIC, the President of Serbia,
- Nikola SAINOVIC, Deputy Prime Minister of the FRY,
- Dragoljub OJDANIC, Chief of Staff of the Yugoslav Army,
- Vlatko STOJILJKOVIC, Minister of Internal Affairs of Serbia.

This follows the confirmation by Judge David Hunt, on Monday 24 May 1999, of an indictment against the five accused submitted on 22 May 1999 by the Prosecutor, Justice Louise Arbour. Judge Hunt granted the Prosecutor's request for delayed disclosure of the indictment and the arrest warrants until today. The latter and other related orders were transmitted at noon today to the Federal Minister of Justice of the FRY, all United Nations Member States and the Confederation of Switzerland.

The United Nations Member States were also ordered to make inquiries to discover whether any of the accused had assets located in their territory and, if so, to freeze such assets until the accused are taken into custody.

As pointed out by Justice Arbour in her application to Judge Hunt, *"this indictment is the first in the history of this Tribunal to charge a Head of State during an on-going armed conflict with the commission of serious violations of international humanitarian law"*.

The indictment alleges that, between 1 January and late May 1999, forces under the control of the five accused persecuted the Kosovo Albanian civilian population on political, racial or religious grounds. By the date of the indictment, approximately 740,000 Kosovo Albanians, about one-third of the entire Kosovo Albanian population, had been expelled from Kosovo. Thousands more are believed to be internally displaced. An unknown number of Kosovo Albanians have been killed in the operations by forces of the FRY and Serbia. Specifically, the five indictees are charged with the murder of over 340 persons identified by name in an annex to the indictment.

Each of the accused is charged with three counts of crimes against humanity and one count of violations of the laws or customs of war.

#### **Background on the indictment**

and the Prosecutor's application not be disclosed before today, 27 May 1999, at noon, unless otherwise ordered. However, the Prosecutor was allowed beforehand to inform the Secretary-General of the United Nations and those Governments whose personnel are at risk of reprisals or intimidation.

3. In order to protect the witnesses whose evidence was submitted in support of the indictment,  
<http://www.un.org/icty/pressreal/p403-e.htm>

28.5.99

---

President Milosevic and Four other Senior FRY Officials Indicted for Murder, Persecu... pagina 3 van 3

pursuant to Sub-rule 47(B), there be no disclosure of the supporting material until the arrest of all of the accused.

4. Lastly, pursuant to Article 19(2) of the Statute and Rule 54, all UN Member States inquire whether any of the accused's assets are located in their territories, and, if so, to provisionally freeze such assets until the accused are taken into custody. This measure, which is without prejudice to the rights of third parties, was taken in light of the consistent non-co-operation of the FRY with the Tribunal and the possibility that such assets be used to evade arrest.

**Despotovic, Ruza**

Van: Despotovic Ruza [despot@wishmail.net]  
Verzonden: woensdag 2 februari 2000 23:03  
Aan: Ruza Despotovic; Globalreflexion  
Onderwerp: Borba English daily - 02.02.2000 (<http://www.borba.co.yu/daily.html>)

*To: Despotovic Ruza  
E: despot@wishmail.net  
B: Globalreflexion  
R: Ruza Despotovic*

map.gif (7766 bytes) <<http://www.borba.co.yu/images/map.gif>>

www.gif (1949 bytes) <<http://www.borba.co.yu/images/www.gif>>

BORBA YESTERDAY  
AND TODAY

Borba is a political daily, whose founder is the government of the Federal Republic of Yugoslavia. The first issue of the daily appeared on February 19, 1922, but a newspaper under this title has occasionally been printed in Yugoslavia since January 1, 1881.

Borba was the only newspaper published in the occupied part of Europe during the World War II.

On the pages of Borba dominate information, analytical articles, comments, photographs and caricatures and we are the only newspaper in Yugoslavia with a daily supplement in English.

We would appreciate it if you would write us, sending suggestions and comments, because your opinion is highly valued.

We will be with you every day except Saturday and Sunday.

head.jpg (27780 bytes) <<http://www.borba.co.yu/images/head.jpg>>  
anim.jpg (5761 bytes) <<http://www.borba.co.yu/images/anim.jpg>>

## MARJANOVIC RECEIVES RAILROAD TRADE UNION PRESIDENCY MEMBERS

Serbian Premier Mirko Marjanovic received Tuesday members of the presidency of the Serbian railroad trade union, at their request, it was stated by the Serbian Ministry of Information.

Railroad trade union officials informed the premier about the material and social position of railroad workers and with their proposals for improving the standard of living of railroad employees. At the same time, the residency of the Serbian railroad trade union fully supported the efforts undertaken by the government for the reconstruction and maintenance of the economic and social stability of the country, because that is in the interest of all citizens of Serbia.

Giving credit to Serbian railroad workers for their great efforts to ensure in war conditions a better functioning of railway traffic, and after the aggression to reestablish in the shortest possible time normal traffic, Premier Marjanovic said that the development of railways was one of the basic priorities of development in Serbia.

Taking part in the talks were Tomislav Milenkovic, minister in charge of labor, veteran and social issues, Milomir Minic, "Beograd" railways and transport (ZTP) administrative council president, Zivoran Maksimovic, ZTP director general and Tomislav Banovic, president of the alliance of trade unions council of Serbia, the statement said.

## **SECOND POST-NATO-WAR REBUILDING STAGE STIMULATES SERBIAN DEVELOPMENT**

In the second stage of post-NATO-war reconstruction, Serbian builders will make their full contribution to a speedy and complete restoration of road communications and rebuilding of industrial capacities and housing facilities, according to a trade union official on Tuesday.

Branko Popovic, who heads Serbia's construction industry workers union IGM, said the second stage of rebuilding the NATO-devastated road infrastructure would involve a hundred or so domestic companies, either as contractors or as sub-contractors.

Popovic said the first stage of reconstruction had employed 170,000 construction workers, while the second stage would employ 50,000 builders and more than 20,000 metal industry workers would.

## **CHINA'S POSITION TOWARDS YUGOSLAVIA SOURCE OF ENCOURAGEMENT, UNKOVIC SAYS**

The word Yugoslavia opens all doors in China and that is the feeling of all Yugoslavs living there, said Tuesday in a program of local radio JAT Yugoslav Ambassador to China Slobodan Unkovic.

"The position towards our country is a source of encouragement and the Chinese are our big friends, who respect Yugoslavia, because just as we, they respect freedom, pride and patriotism, Unkovic said, stressing that the new quality of relations of the two countries was the result of the visit of President Slobodan Milosevic to China, in mid November 1997.

The Presidents Milosevic and Jiang Zemin signed then a declaration of friendship and cooperation, providing the basis for the successful development of bilateral cooperation in all fields.

Speaking about the position of China towards NATO's aggression on Yugoslavia, Unkovic said that the official stands of Beijing were reported very well in Yugoslavia thanks foremost to Tanjug and to other sources of information.

China has since the beginning of the crisis in Kosovo and Metohija, and particularly during NATO's aggression, clearly condemned the aggression, demanding its immediate cessation and the resolution of the problem in the United Nations.

"The Chinese have insisted that the issue of Kosovo be tackled as an internal issue, which can be resolved only in Yugoslavia, while respecting the equality of all citizens and national communities," Unkovic said.

## **KOUCHNER EMBARRASSED OVER HIS KOSOVO-METOHIIJA "GOVERNMENT"**

UN Kosovo-Metohija civilian mission (UNMIK) chief Bernard Kouchner let himself in for a major embarrassment on Tuesday when he tried to convene a consultative session of an Interim Administrative Council (IAC), devised by him as a "government" of Kosovo which should help UNMIK administer that Serbian (Yugoslav) province.

The scheduled session of Kouchner's ethnically pure government, which only ethnic Albanians have agreed to join, has had to be adjourned because ethnic Albanian Democratic Alliance of

Kosovo leader and self-styled president of Kosovo Ibrahim Rugova has not dissolved "his" parliament and government as promised, foreign news agencies report.

This shows that anarchy and lawlessness reign in Kosovo-Metohija, in the presence and under the wing of UNMIK and the international KFOR force, and that individuals are "playing at government" in the teeth of provisions of UN Resolution 1244.

Rugova's "parliament" decided on Monday that it did not have enough time to study the lengthy report of "premier in exile" Bujar Bukoshi on the work of the "cabinet" since 1991, and has called a new session.

UN official Jock Covey, who was to chair Tuesday's session of Kouchner's government, has said that Rugova's act "disrupted the excellent progress of the IAC, the Interim Administrative Council."

### **KOUCHNER'S STRONGEST SUPPORT POINT TERRORIST THAQI, ODALOVIC SAYS**

Serb national assembly for Kosovo and Metohija executive council president Veljko Odalovic said Tuesday in Pristina that in the UN Security Council will, in the course of this year, are prevailing forces that will start the consistent implementation of Resolution 1244.

"What is currently being done in Kosovo and Metohija are under the auspices of the Security Council, or a part of its members, very seriously compromises the UN," said Odalovic in a conversation with a Tanjug journalist.

He said that Resolution 1244 defines a clear framework for the behavior of all in Kosovo and Metohija, but that those who should strictly implement and interpret it unfortunately violated it, and these are the UN civilian mission head Bernard Kouchner and KFOR.

"Kouchner is establishing some kind of new authority and does everything to dispute the sovereignty and territorial integrity of Serbia and Yugoslavia," Odalovic said.

He pointed out that it is the obligation of the civilian administrator, in cooperation with international forces, to ensure the security of all people in Kosovo and Metohija and to protect their property.

"Kouchner's strongest and most important point of support, in all his actions in Kosovo and Metohija, is the terrorist Hashim Thaqi, and the nature of the agreements they can conclude is clear to all," Odalovic said.

Kouchner's intention to organize a census, to organize some kind of elections in cooperation with separatists is, Odalovic said, absurd.

"A census can be conducted when the situation is normalized and stabilized and when people return to their homes, to their homesteads, to their native towns and villages," Odalovic said, noting that the same was true for elections.

### **U.S. AMBASSADOR, BULGARIAN P.M. DISCUSS KOSOVO AND METOHIJA**

U.S. Ambassador to Bulgaria Richard Miles has said that neither the United States nor the

international community back independence for Kosovo and Metohija, it was stated in Sofia late on Tuesday.

Speaking after meeting with Bulgarian Prime Minister Ivan Kostov, Miles said that the United States was working on the restoration of normal life to the Yugoslav republic of Serbia's southern province and that it urged existence in peace of all ethnic groups there.

Miles and Kostov, who met at the U.S. ambassador's request, discussed the prime minister's recent meeting with leader of ethnic Albanian separatists in Kosovo and Metohija Hashim Thaqi and leader of Macedonia's ethnic Albanians Arben Dzaferi in Sofia.

Kostov reiterated that there was no change in his country's position on Kosovo and Metohija. He said that the province should be granted broader autonomy, stressing that it was an integral part of Yugoslavia.

### **DZAFERI - POSSIBILITY OF BULGARIA RECOGNISING KOSOVO ON AGENDA OF SOFIA TALKS**

Leader of the Democratic Party of Albanians (DPA) Arben Dzaferi has said that the possibility of Bulgaria recognizing Kosovo was on the agenda of his recent meeting with Bulgarian Prime Minister Ivan Kostov and Kosovo and Metohija's self-styled premier Hashim Thaqi in Sofia.

Speaking for the Albanian-language Skopje newspaper Fljaka at the DPA headquarters in Tetovo, western Macedonia, on returning from Sofia, Dzaferi said that the meeting had affirmed the concept of an independent Kosovo.

Bulgaria is ready to recognize Kosovo as an independent state but takes the view that authorities should be set up there first, he said.

He said that his meeting with Kostov and Thaqi was of utmost importance because it had taken place after talks among Balkan prime ministers, which had also been held in Bulgaria and, consequently, was a logical sequel to these talks.

Dzaferi also said that Bulgaria was a major factor in Balkan processes because of which it was crucial that the concept of an independent Kosovo had been affirmed in this country.

Sofia, however, had denied before Dzaferi's interview to Fljaka that the meeting had dealt with independence for Kosovo.

Most of the Macedonian media have strongly criticized Dzaferi for taking part in the Sofia meeting and for backing Thaqi, describing Dzaferi's move as interference in a neighboring country's internal affairs and stressing that the international community's position was also that Kosovo and Metohija is an integral part of Serbia and Yugoslavia.

Dzaferi's party is included in Macedonia's coalition government that is made up also of officials of Ljupco Georgievski's Internal Macedonian Revolutionary Organization (VMRO) and Vasil Tupurkovski's Democratic Alternative party.

### **GREAT RESULTS OF UNITY OF PEOPLE AND LEADERSHIP, ARANDJELOVIC SAYS**

Socialist Party of Serbia (SPS) main board executive council member Zoran Arandjelovic said in Vranje Tuesday that SPS is the only party in the territory which since its inception has not changed its concept or goals, remaining consistent in the realization of tasks in the interest of all citizens of Serbia.

"We, Socialists, together with our President Slobodan Milosevic, will realize all our programs," Arandjelovic said at the election conference of Socialists of Vranje (south Serbia).

We have endeavored he said, so that at every moment, in Serbia, FR Yugoslavia and the environment we maintain peace and we have done that until NATO attacked us, when we defended ourselves from the aggressor.

Arandjelovic said that the Socialists, in spite of everything, sanctions, the war and hundreds of thousands of refugees, who were not left unprovided for, regardless of nationality, and in spite of NATO's aggression, succeeded to preserve the dignity of the state and to keep up step with the world.

"Everyone from the outside who contributed to the breakup of the third Yugoslavia and who tried to break up the unity, because they failed to achieve that by force, attempt now to achieve that through their lackeys from the so called opposition parties, who no longer know whom they support," he said, underlining that a "pile of dollars" will not crush the resistance of the people and provoke disputes.

SPS main board member and Serbian Deputy Premier Dragan Tomic stressed that the Socialists have chosen a good program of social development and a model for its realization, creating possibilities for the country, people and SPS to overcome successfully all difficulties.

## **YUGOSLAV LEFT JUL PREPARES FOR ELECTIONS**

The Yugoslav Left JUL leadership has reviewed questions of organization and preparation for upcoming elections, JUL said in a statement on Tuesday.

Although the youngest political party with a network throughout Yugoslav territory, JUL's persistent, consistent and responsible political activity at all levels of organization has constantly been strengthening its grassroots support, the statement said.

JUL has been in the forefront of efforts for protecting peace and the country's freedom and independence as the greatest values and interests of all Yugoslavs, and has been "with our invincible people and defenders during NATO's aggression (in spring 1999)," it added.

Also, the statement said, another recognizable feature has been its insistence on comprehensive reforms conducive to financial prosperity, social security and a spiritual rebirth of society.

"JUL is embarking on an election campaign with realistic optimism, convinced that the people will marginalia proponents of quisling policies," the statement said.

## **THE HAGUE NOT INTERESTED IN CRIMES AGAINST SERBS IN BOSNIA HERZEGOVINA**

Next spring will be four years since the exhumation of mass grave sites in the southwestern part of Republika Srpska (RS), where in the fall of 1995, before the signing of the Dayton peace

agreement, under the onslaught of troops of the Croatian Defense Council from Bosnia and Herzegovina and the of the regular Croatian army, were killed more than 500 Serbs.

In different locations, from Mrkonjic Grad and Sipovo, all the way to Petrovac and Kupres, so far have been found 350 bodies of Serbs, mostly civilians, and the entire documentation about that has been compiled by teams of the security services center in Banja Luka.

Under the Dayton agreement, Mrkonjic Grad once again became part of RS, and on February 4 the first residents who had fled, returned, under IFOR protection, to their town.

In the presence of the RS military prosecution, forensic experts, representatives of The Hague tribunal and of other international organizations, when in March 1996 started investigations in Mrkonjic Grad, were discovered mass graves containing 181 bodies, of which 140 have been identified (100 civilians, ten women).

Foreign journalist teams, who were interested in the first days in the discovery of the mass graves, quickly withdrew, as well as the investigators of the Tribunal although the report with a complete documentation showed that all the persons had died a violent death, not in fighting, and that the weapons used for murdering the victims were also found next to them, as barbed wire, obtuse objects, mace...

The entire documentation on the mass graves in Mrkonjic Grad, and the criminal charges brought against officers of the Croatian Defense Council and of the Croatian Army, has been submitted to the office of Tribunal which at the time was located in Pale, in the vicinity of Sarajevo. The case of Mrkonjic Grad was listed as one of the few war crimes committed in the territory of Bosnia and Herzegovina that had a complete expert documentation, and also living witnesses.

The tribunal in The Hague has not undertaken anything so far in the case of Mrkonjic Grad.

For the perishing of Sarajevo Serbs in numerous state and private prisons run by proteges of Muslim leader Alija Izetbegovic, in which in the period 1992 1993 alone have disappeared nearly 7,000 Serbs, The Hague has no interest.

The perishing of Serbs in Mostar, municipality of Konjic and in Tuzla, where the lives of Serbs were terrorized by the Muslim Croat coalition for a long time before war broke out, is also not the subject of interest of The Hague tribunal.

The Hague Tribunal, however, now headed by Carla del Ponte, and with the cooperation of SFOR, continues the "open season on Serbs."

Of the 33 persons held in custody in Schevengen accused of war crimes in the territory of the former Yugoslavia, 18 are Serbs who were arrested by SFOR in RS.

## **MEETING OF THE JURY OF THE BORBA "OSKAR DAVICO" AWARD FOR THE BOOK OF THE YEAR**

The jury of the "Borba Oscar", in which are; Miladin Sevarlic (president), Miilosav Buca Mirkovic, Dr Vasilije Kalezic, Ranjko Jovovic and Teodor Andjelic, at its Tuesday meeting made a closer, final selection for the book of the year (writers are listed in alphabetical order):

### **Poetry**

Zoran Bogнар: "The new man" (Novi covek).

- Dragan Jovanovic Danilov: "Alcohols from the south" (Alkoholi s juga)
- Selimir Radulovic: "From the heights sunny, terrible" (Sa visa suncanog, strasnog)
- Novica Tadic: "Unnecessary traveling companions" (Nepotrebni saputnici)

### **Prose**

Jovica Acin: "Unearthly occurrences" (Nezemaljske pojave)  
 Momo Kapor: "A nice day to die" (Lep dan za umiranje)  
 Slavko Lebedinski: "Jewish wig" (Jevrejska perika)

### **Drama**

Miodrag Djukic: "Bastinik"  
 Critique, essays, polemics  
 Zarko Djurovic: "Thorn after thorn" (Trn do trna)  
 Vasilije Krestic: "Famous Serbs about the Croats" (Znameniti Srbi o Hrvatima)

The final meeting of the jury for the "Oskar Davico" award shall be held Friday, February 11.

The award is 30,000 dinars.

Borba award "Oskar Davico" takes into consideration literary works published for the first time in the previous year, regardless of the genre (novel, poetry, pamphlet, other genres of the modern literature).

## **YUGOSLAV BASKETBALL PLAYER CAKIC TO JOIN JUNIOR WORLD TEAM**

Goran Cakic of the Beobanka Belgrade basketball club has been selected to play on the junior world team against the junior U.S. team in Indianapolis on April 2, world team coach Alessandro Gamba of Italy decided on Tuesday.

Gamba and Yugoslavia's Marin Sedlacek head the world team.

This will be the 6th match between the world's best juniors and the junior U.S. team. All have been played in the United States, with the Americans winning 3 of the 5 games played so far.

Back <<http://www.borba.co.yu/index.html>>

## Despotovic, Ruza

Van: despot@wishmail.net [MIME @INTERNET {despot@wishmail.net}]  
Verzonden: maandag 11 oktober 1999 3:52  
Aan: Despotovic, Ruza; Speerpunt@wxs.nl; office@globalreflexion.org  
Onderwerp: The International Tribunal in the Hague



FILE0001.ATT

www.serbia-info.com/news

CIVIL ISSUES  
POLITICS  
MILITARY  
KOSOVO AND METOHIA  
ECONOMY  
CULTURE AND RELIGION  
SPORT

"Le Nouvel Observateur": The International Tribunal in the Hague  
is not independent  
October 10, 1999

Paris, October 9, 1999 (Tanjung) - An attorney and permanent representative of the American law association at the United Nations in Geneva, Alejandro Taitelbaum published in the latest issue of the Paris' weekly, "Le Nouvel Observateur", an extremely critical article about the absence of the independence of the International War Crimes Tribunal for former Yugoslavia.

Taitelbaum writes that in the case of Kosovo and Metohija, the "absence of the independence" prevents the International Tribunal in the Hague to put on trial not only the Serbs but also the members of the "KLA" and the "NATO".

The "KLA" - now the legitimate as the so-called "civil force" - made crimes before, during and after the war, about which there are numerous evidences. The NATO systematically broke the Geneva conventions during the bombing, points out Taitelbaum.

He stresses that the NATO in the KFOR should have been the guarantee of the security for all residents in Kosovo and Metohija, in accordance with the mandate that was given to it by the UN Security Council.

The NATO is responsible for the ethnic cleansing of 200.000 Serbs and Gypsies in Kosovo and Metohija and for the crimes already done and still going on in the province, says explicitly the permanent representative of the American law association at the United Nations in

Geneva.

Taitelbaum, insisting on the prejudice of the Tribunal in the Hague when the crimes of so-called KLA and NATO are in the question, points out that their informing against the NATO's crimes during the air-strikes on Yugoslavia, performed by the American law association and a group of the Canadian professors as some other similar informing against the NATO, "left cold" the UN court's chief prosecutor, Louise Arbour.

Taitelbaum expresses his reasonable doubt about the independence of the International Criminal Tribunal, established in Rome in 1998.

[ Home | Encyclopedia | Facts&Figures | News ]  
Copyright © 1998, 1999 Ministry of Information  
Email: [mirs@srbija-info.yu](mailto:mirs@srbija-info.yu)

## LOUISE ARBOUR IS BUT A TOOL OF US FOREIGN POLICY

Hamilton Spectator, Letters, June 17, 1999.

You must be kidding about "independent" Louise Arbour, chief prosecutor of the UN War Crimes Tribunal, ("Bittersweet Move for Louise Arbour", June 14, page A8), whom you applaud for charging Yugoslavian President Milosevic with war crimes.

She is hardly independent. She comes from a combatant NATO country and asked NATO to fly drone planes for her Tribunal over Yugoslavia. She promised to be "in the first wave" of NATO troops into Kosovo and allowed herself to be used in photo ops. with both the UK's Robin Cook and the US' Madeleine Albright who wanted to lay out evidence of alleged war crimes in Kosovo.

What about Jean Chretien, Bill Clinton, and Tony Blair who initiated the NATO bombing in violation of international law forbidding countries from interfering in the domestic affairs of others? They illegally assumed the role of the UN Security Council, the only body authorized to deal with aggressor states attacking other states.

They even violated the NATO charter because Yugoslavia did not attack a member state. They killed thousands of civilians while reducing Yugoslavia to pre-industrialism, seriously poisoning the environment. They have turned what OSCE observers in Kosovo said was a low-level conflict into a major human tragedy. Are these not war crimes?

Arbour has done this before. In Bosnia, she targeted Serb leaders for indictments. Croatia leaders, who invented ethnic cleansing by expelling 300,000 Serbs from Krajina, escaped indictment. More significantly, German and US leaders who spearheaded the dismemberment of Yugoslavia, encouraging the secession of Slovenia, Croatia, Bosnia, and Macedonia, have been conveniently spared.

Is it not a crime to tear apart a country recognized by the Treaty of Versailles and plunge it into bloody civil wars?

Canadian Louise Arbour is not independent in the least. She is a tool of US foreign policy, doling out victor's "justice". Her double standard in indictments is nothing more than an attempt to sideline any leaders who obstruct US objectives by demonizing them as war criminals. Her injustices on the world stage are a bitter pill that whole nations have had to swallow.

As a Canadian, I am ashamed of Louise Arbour.

Yours sincerely,

Ken Stone

The following paragraphs, which follow the reference to the Treaty of Versailles, were edited out of the letter by the Hamilton Spectator:

In Tanzania, Ms. Arbour indicted Hutu leaders captured after the (majority) Hutu government of Rwanda was overthrown in 1994 by the Rwanda Patriotic Front (RPF), an exile (minority) Tutsi force. The RPF was organized and financed in exile in Uganda by the USA. Its general, Paul Kagame, went straight from officer training at

Mr. N.M.P. Steijnen

Advocaat en Prokureur

Couwenhoven 52-05

3703 ER Zeist

tel. 030-6956867

030-6956867

Aan de heer Abe de Vries

betreft: bron voor beweerdelijke beïnvloeding door de VS van het Joegoslavië-Tribunaal, als vermeld in bijgaand Trouw-artikel van uw hand datum 15 oktober 1999

Geachte heer de Vries,

Uw publicaties volg ik beroepshalve - ik voer namens een groot aantal personen van Joegoslavische afkomst in binnen- en buitenland, thans in hoger beroep, 4 korte gedingen tegen de NAVO-agressie tegen de FRY voor zover het de betrokkenheid hierbij betreft van de Ned. Staat, Kok, van Aartsen en de Grave - met grote belangstelling.

In dat kader las ik ook uw artikel in Trouw van 4-8-99 onder de titel "Kroatisch leger beging misdaden" (zie bijgaande copie).

Ik heb daarover meteen de Trouw-redactie benaderd om te vragen waarop u met name de volgende passage baseerde in dit artikel:

"Het onderzoek van het Tribunaal naar de Kroatische misdaden in de Krajina werd eind vorig jaar afgerond."

De vraag daarbij is: op welke informatiebronnen baseert u dat dit onderzoek toen zou zijn afgerond? Kan ik ook kennis nemen van die bronnen?

Deze passage vervolgt dan:

"Door politiek getouwtrek tussen hoofdaanklaagster Louise Arbour en de Verenigde Staten is het uitvaardigen van aanklachten tegen drie Kroatische generaals uitgesteld."

Mijn vragen daarbij zijn: wat is de aard van dit getouwtrek? Hoezo überhaupt "getouwtrek", het Joegoslavië Tribunaal is toch onafhankelijk? Waarop baseert u dat het uitvaardigen van aanklachten tegen drie Kroatische generaals zou zijn uitgesteld? Wat zijn op dit punt uw bronnen en kan ik ook van deze bronnen kennis nemen?

De volgende vraag die in dit verband rijst is: aangezien u met deze passage impliciet aangeeft dat de altijd zo benadrukte onafhankelijkheid van het Joegoslavië Tribunaal niet bestaat, wordt het niet tijd de publieke waanvoorstelling op dit punt als zou het Tribunaal onafhankelijk zijn ook meer expliciet onderuit wordt gehaald? Door u (geïnitieerd) dan, want u

beschikt kennelijk over de daarvoor benodigde informatiebronnen, die anderen niet hebben.

Het artikelonderdeel gaat vervolgens verder:

"Het belangrijkste knelpunt is Knin. Volgens de Kroatische regering en de VS was Knin een "legitiem militair doel" en mocht de stad dus worden gebombardeerd."

Mijn vraag in dit verband is: wat zijn uw bronnen dat Knin ook volgens de VS een legitiem militair doel vormde en dus mocht worden gebombardeerd en kan ik ook inzage krijgen in deze bronnen ?

Eerder in dit artikel wordt verwezen naar het feit dat de Canadese VN-troepen bij de operatie storm getuigen waren van daarbij op grote schaal door het Kroatische leger begane oorlogsmisdaden en "erbij stonden en ernaar keken". U vermeldt dan het rapport van de Canadese VN-commandant generaal Alain Forand en wijst erop dat hij een van de belangrijkste getuigen van het Joegoslavië Tribunaal in dit verband zou zijn. U schrijft in dit verband:

"In het document, zijn evaluatieverslag van 12 oktober 1995, beschuldigt hij het Kroatische leger onder andere van het willekeurig, zonder enige militaire noodzaak beschieten van de stad Knin. Drieduizend artillerie-, tank- en mortiergranaten vielen op de stad neer en honderden mensen kwamen om het leven. Knin was "compleet onverdedigd", schrijft Forand. De Canadees beschrijft ook in extenso de etnische zuiveringen van het Kroatische leger (HVO). De misdaden vonden plaats onder de ogen van de machteloze VN-soldaten. "Vanaf het einde van de oorlog begon de HVO systematisch dorpen te plunderen, gebouwen en gewassen te verbranden, vee te stelen of te doden", noteert Forand. "Binnen enkele weken gingen de HVO en speciale politie-eenheden voor de tweede keer door sommige dorpen. Ze staken huizen in brand die al totaal vernield waren. Mijn HVO-zegsman, generaal Cermak, bleef maar zeggen dat dit nodig was om het land te zuiveren van Cetniks. Blijkbaar hield dit in: tot de laatste terroristische hond".

"Dit systematische plunderen van het platteland en de paar achtergebleven bewoners ging wekenlang door. Zelfs de meer afgelegen dorpen en boerderijen werden vernield. Hierdoor werd ieder middel van bestaan weggevaagd voor de paar overgebleven Serviërs, of voor degenen die zouden overwegen in te gaan op Tudjmans (de Kroatische president) publieke invitatie om terug te komen. Het gedrag van de HVO in de maanden na "Storm" was zo voorspelbaar dat het niks nieuws was. Platbranden, erop los schieten, het massaal doden van vee en het vermoorden van hulpeloze oude mensen, het werd allemaal de gewoonste zaak van de wereld."

Mijn vragen in dit verband aan u zijn: u beschikt kennelijk over het rapport van generaal Forand. Ik heb overal geprobeerd om het in handen te krijgen, maar het is me niet gelukt. Ook niet bij het Joegoslavië-Tribunaal en de Canadese Ambassade. Zou u me kunnen aangeven waar ik dit rapport zou kunnen krijgen of zou kunnen inzien ?

Ik heb verder begrepen dat er sterke pogingen zijn ondernomen om dit rapport zoveel mogelijk buiten de publiciteit te houden door de VN. Kunt u mij wellicht aangeven waar ik nadere informatie zou kunnen krijgen omtrent deze pogingen van de VN om dit rapport zo veel mogelijk te verheimelijken ?

Tot zover mijn vragen over en aangaande dit artikel van U. Ik realiseer me ten volle dat het er nogal wat zijn ! Niettemin hoop ik op een reactie van u op deze punten.

Dan wil gelijk maar van de gelegenheid gebruik maken om ook een ander artikel van uw hand aan de orde te stellen, en wel uw artikel over de multi-ethniciteit in Servië in Elsevier van begin oktober.

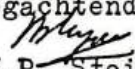
Dank voor dit artikel. Van Elsevier moet je het tegenwoordig kennelijk hebben als het erom gaat tegen alle verstandsverbijstering in bepaalde waarheden als koeien gewoon te vermelden !

Eén ding roept in dat artikel vragen bij me op en dat is dat u ergens halverwege - ik heb het artikel hier niet bij de hand - spreekt van deze multi-etnische Servische verdraagzaamheid, en nu komt het "ondanks de haatcampagnes die door de Servische regering en/of media - ik weet zo uit mijn hoofd niet meer wat er precies staat - werden gevoerd". In elk geval wordt door u in dit verband gerept van "haatcampagnes". Nu zou ik graag van u willen horen op welke bronnen u baseert dat dergelijke "haatcampagnes" tegen minderheden in Servië door regering en/of media zijn gevoerd. Ook verneem ik graag van u of u daar voorbeelden van hebt.

U zou mij zeer helpen en een groot plezier doen als u op e.a. zou willen reageren, telefonisch ( zie bovenstaand tel nr. ) , per fax (faxnr. 020-6151120 (wilt u daar dan duidelijk bij zetten: t.a.v. N. Steijnen ? of per e-mail ( officeaglobalreflexion.org, met eveneens de duidelijke vermelding: t.a.v N. Steijnen)

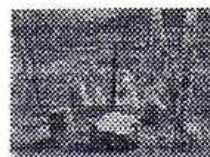
Ik realiseer me dat ik u hiermee met extra werk opzadel. Mijnerzijds kan daartegen staan dat ik natuurlijk altijd bereid ben om u - exclusief - te informeren over de lopende processen tegen de Ned. Staat i.v.m. de de NAVO-agressie, in een aantal waarvan ook Ned. Ministers en militairen rechtstreeks als persoon mede-gedaagd zijn en - onder nadere condities - over komende processen tot schadevergoeding, indien u daarvoor enige belangstelling zou hebben.

hoogachtend,

  
N.M.P. Steijnen



**A Description  
Events**



**The Reconstruction  
of Events**

**The Autopsy**



**The Evidence**



[realaudio presentation click here](#)

**S**imo Drljaca, the former Chief of Public Security in Prijedor, Republic of Srpska, lost his life on July 19<sup>th</sup>, 1997 by a lake near Omarska. According to an official SFOR Report, The Hague Tribunal had issued a warrant for the arrest of Simo Drljaca, but instead of arresting him, SDFOR members killed him in a supposed "act of self-defence". However, this event was witnessed by three persons, Drljaca's son, his brother-in-law, and a third man who was in a nearby cabin but whose presence was unknown to SFOR members. These eyewitnesses claim that Simo Drljaca was literally liquidated and that SFOR had no intention of arresting him.

A forensic medical expertise was done so that one of the two versions of this event could be confirmed.

An analysis of official documents, (the Investigation Report, the Investigative Judge's Official Notes and the Autopsy Report), along with a reconstruction, during which we once again searched the grounds and discovered a 9mm bullet which had not been previously found, unmistakably confirm the three eyewitness accounts on the death of Simo Drljaca.

**Prof. Dr Dragan Simeunovic**

**Darko Trifunovic, Exp. Int. Crim. Law.**

**Prof. Dr Branimir Aleksandric**



A Description  
of Events

The Autopsy

The Conclusion



A Contents Summary  
A Description of Events  
The Autopsy  
The Conclusion

## A Description of Events

Dragan Gagovic lost his life on the morning of January 9<sup>th</sup>, 1999 between 11:00 a.m. and noon, on the road between Ustipraga and Cajnice in the Republic of Srpska. SFOR units killed Gagovic during a surprise attack while he was driving his car. With him in the car were five children, ages 11 and 12 years old. Gagovic was returning them from the Federal Republic of Yugoslavia where they had attended a karate course on the Tara Mountain.

According to the official statement given by a SFOR representative, a SFOR unit of French soldiers killed Dragan Gagovic in a supposed "act of self-defence". However, according to the statements given by the five children, who were in the car with Gagovic at the time, it appears that he was literally liquidated by being shot at from the back. That is why the opinion of an expert in forensic medicine was sought, based on the material traces found at the scene, the unbiased results of the autopsy and on the witnesses' statements.

The following official documents were used for this analysis: the Investigation Report, (Picture 1), conducted by the Investigative Judge of the Primary Court in Rogatica, Mrs. Nada Mandic, an Official Sketch of the sight, (Picture 2), documented photos taken at the sight, the Report of the second autopsy which was performed by Dr. Stanisa Milic, (along with a video tape of this autopsy), the statements given by the five children who were in the car with Gagovic, and the statements given by the other witnesses, that is persons who were prevented from crossing that part of the road by SFOR units.

РЕПУБЛИКА СРПСКА  
ОСНОВНИ СУД У  
РОГАТИЦИ  
РОГ.1/99  
Датум: 9.01.1999. год.

### З А П И С Н И К

О убиству на лицу мјеста од стране лица 9.1.1999. године.

#### УЧесници процјене:

- I. 1. Могучија судија Основног суда у Рогатци Нада Мандић
2. Кузмић Нада крим. инспектор ИЈБ Српске
3. Ђаковић Јован крим. инспектор ИЈБ Српске
4. Остојић Јован крим. техничар ИЈБ Српске

#### II. Земљиште: ОЈБ Рогатина-Боговац Јунак

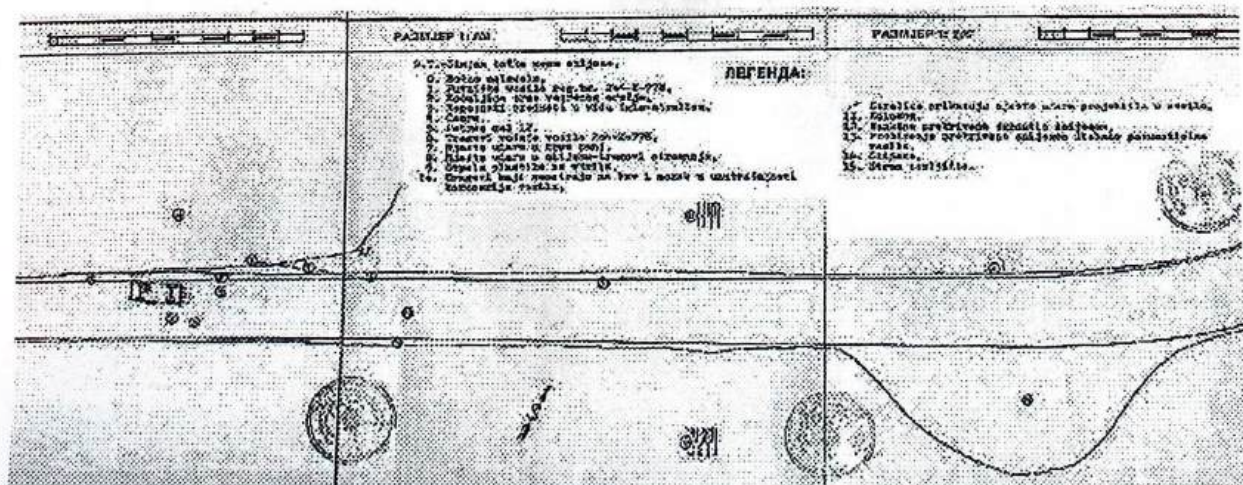
- III. Ружићки Савина и Бунца Борак иницијални ОИ БО Београд
- IV. Милићки Миломир и Телићки Борак иницијални ОЈБ Српско Горажде

#### ПРЕДМЕТ ДЕ:

Убиство на лицу мјеста а у истој покушаји женоубиства и  
убиства Гаговић Драгана из Српске, од стране припад-  
ника СРПСК, у мјесту Тладица Савина Српско Горажде.

Врхуња убиства је 18,42 часова.

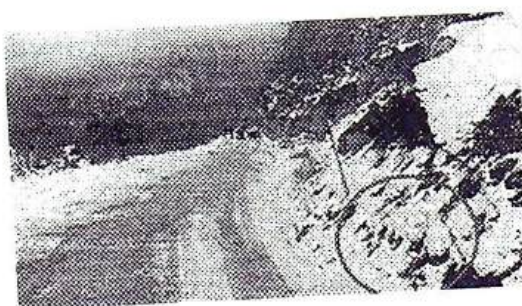
SL 1



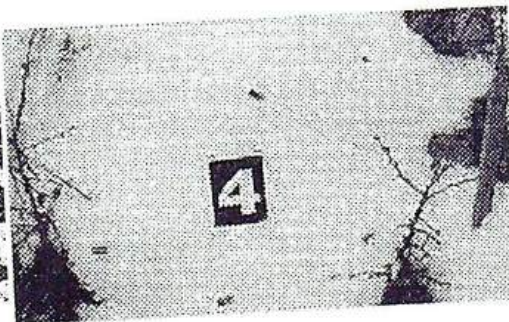
## Sl. 2

According to official documents, several tens of soldiers used motored vehicles, trucks and helicopters during this attack on Dragan Gagovic. The five children who were in the car at the time of the attack were taken into custody and were finally returned to their parents after having spent several hours in "confinement". All five children told the exact same story regarding the events which followed their "arrest". Each of them said that they were first forced to sit in the snow. Then they were forced to keep their heads down, (enabling them to see where they were being taken), on their way to the SFOR base where they were subjected to detailed questioning. They were also examined by a doctor at the base who said that they had not been physically injured, but indicated that, as a consequence, they would have severe mental suffering.

Immediately following the attack, the Investigative Judge went to the scene to conduct an investigation at which time she made a sketch of the sight and also took appropriate documented photographs. Picture 3 shows Gagovic's overturned vehicle with arrows pointing to the spot where 23 bullet shells were discovered. Picture 4 shows a close-up shot of the spot where the shells were found while Picture 5 shows a close-up shot of the car. Pictures 6, 7, 8 and 9 show the damage to the rear end of the car caused by the bullets. Pictures 10 and 11 show the damage which the bullets caused to the front passenger seat of the car where one of the children had been seated. The damage which the bullets caused to the windshield glass, is shown from the inside, in Picture 12. Pictures 13 and 14 show the children's bags and toys caused to the windshield glass, is shown from the inside, in Picture 12. Pictures 13 and 14 show the children's bags and toys caused to the windshield glass, is shown from the inside, in Picture 12. Pictures 13 and 14 show the children's bags and toys caused to the windshield glass, is shown from the inside, in Picture 12. Picture 17 shows traces of the brain and blood on the front seats of the car. Picture 18 shows a little metal pipe with a medicinal needle on one end which was found by the vehicle, and whose discovery aroused suspicions.



Sl. 3



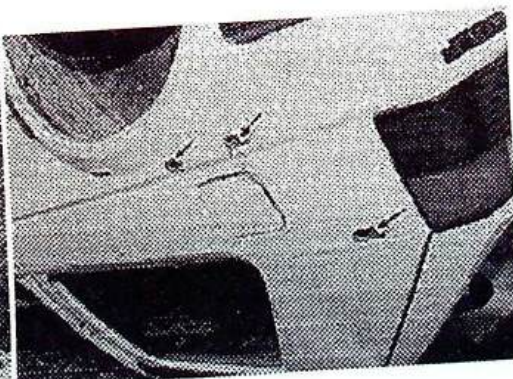
Sl. 4



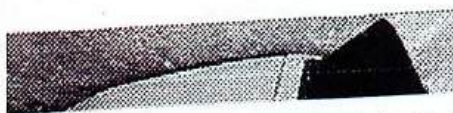
Sl. 5

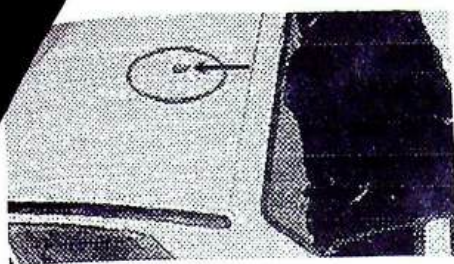


Sl. 7

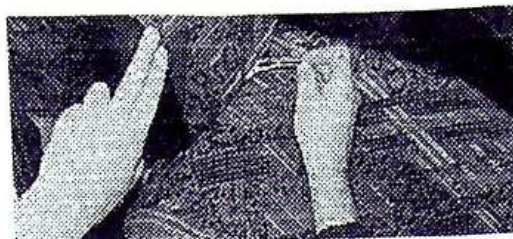


Sl. 8

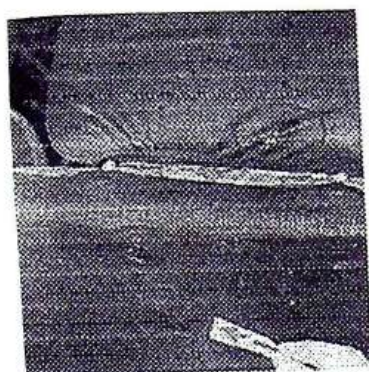




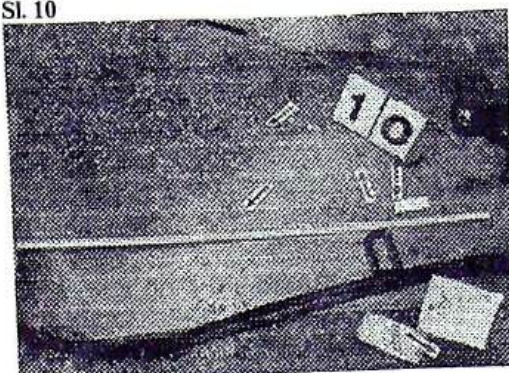
SL 9



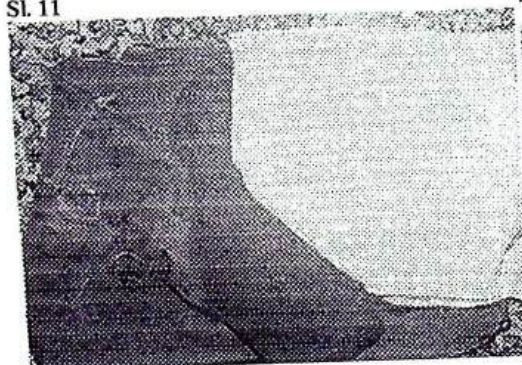
SL 10



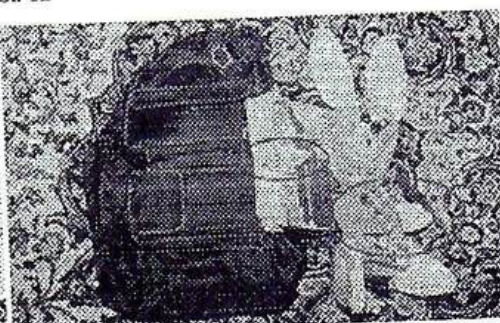
SL 11



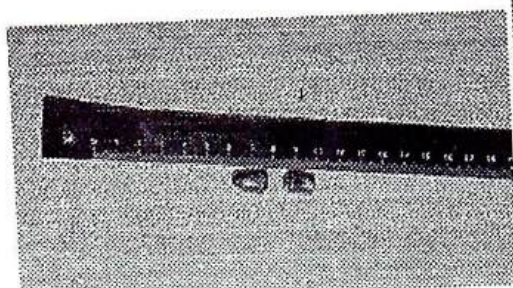
SL 12



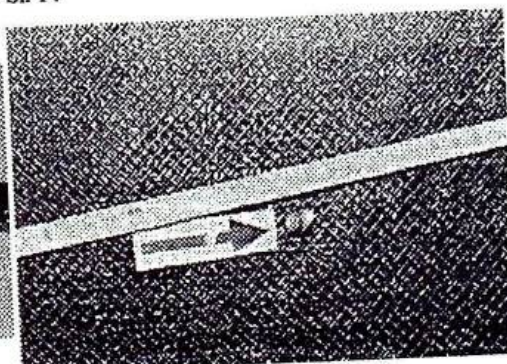
SL 13



SL 14



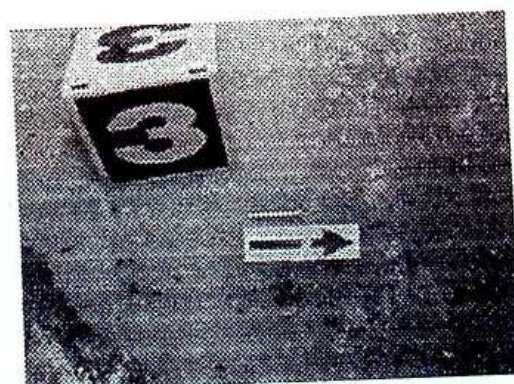
SL 15



SL 16



SL 17



SL 18



# The ICTY at a glance

**Fact Sheet on ICTY Proceedings**, 27 March 2000

**ICTY Key Figures**, 27 March 2000

**Latest list of outstanding public Indictments**, 6 March 2000

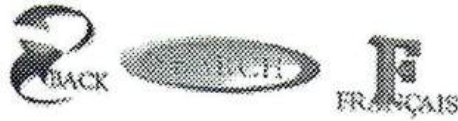
**Latest list of Detainees and former Detainees**, 28 March 2000

| <b><u>Trials Information</u></b> | <b><u>Cases Information</u></b>   | <b><u>Indictments Information</u></b> |
|----------------------------------|-----------------------------------|---------------------------------------|
| <u>Aleksovski</u>                | <u>Brdjanin &amp; Talic</u>       | <u>Foca</u>                           |
| <u>Blaskic</u>                   | <u>Galic</u>                      | <u>Karadzic &amp; Mladic</u>          |
| <u>Delalic et al.</u>            | <u>Kolundzija &amp; Dosen</u>     | <u>Milosevic et al.</u>               |
| <u>Erdemovic</u>                 | <u>Krnojelac</u>                  | <u>Sikirica et al.</u>                |
| <u>Furundzija</u>                | <u>Krstic</u>                     |                                       |
| <u>Jelusic</u>                   | <u>Kunarac &amp; Kovac</u>        |                                       |
| <u>Kordic &amp; Cerkez</u>       | <u>Naletilic &amp; Martinovic</u> |                                       |
| <u>Kupreskic et al.</u>          | <u>Simic et al.</u>               |                                       |
| <u>Kvocka et al.</u>             | <u>Vasiljevic</u>                 |                                       |
| <u>Tadic</u>                     |                                   |                                       |

For Information please contact  
Public Information Services/ Services d'Information Publique  
Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands.  
Churchillplein 1, 2517 JW La Haye. B.P. 13888, 2501 La Haye. Pays-Bas.  
  
Press Tel: +31 (70) 416-5343 ou 416-5356  
Public Tel: +31 (70) 416-5233 ou 416-5285  
Fax: +31 (70) 416-5355

Latest Documents and News | Basic Legal Documents | Press Releases and Press Statements  
Bulletins | Tribunal Cases | Tribunal Publications  
The United Nations Home Page

The Dayton Peace Agreement is available at either of these two sites:  
Office of the High Representative | The Nato Website



All documents contained herein are for information only. They are not to be considered as official records of the Tribunal.  
This site is maintained by the ICTY Public Information Services with the technical expertise of the Information Technology  
Services Division of the United Nations and the Electronic Services Section of the Tribunal.

International Criminal Tribunal  
for the former Yugoslavia



Tribunal Pénal International  
pour l'ex-Yougoslavie

## LATEST DOCUMENTS AND NEWS

✳ **4 April 2000, Scheduling Advisory.**

✳ **3 April 2000, CC/P.I.S./486-E**

**Judge Liu Daqun sworn in Today.**

*Na Bosanskom: JL/P.I.S./486-I*

**Sudac Liu Daqun dana položio zakletvu.**

✳ **3 April 2000, PR/P.I.S./485-E**

**Statement by the Prosecutor following the Arrest of Momcilo Krajisnik on 3 April 2000.**

*Na Bosanskom: JL/P.I.S./485-I*

**Izjava tužioca međunarodnog suda povodom hapšenja Momčila Krajišnika.**

✳ **Archived Press releases**

➤ **Latest Press Briefings**

➤ **Weekly Update**

➤ **Hearings Schedule**

➤ **Court Proceedings**

➤ **Court Documents**

➤ **Latest Bulletin ~ Judicial Supplement The 12th issue.**

**Latest Documents and News | Basic Legal Documents | Press Releases and Press Statements  
Bulletins | Tribunal Cases | Tribunal Publications  
The United Nations Home Page**

**The Dayton Peace Agreement is available at either of these two sites:**

**Office of the High Representative | The Nato Website**



All documents contained herein are for information only. They are not to be considered as official records of the Tribunal.

This site is maintained by the ICTY Public Information Unit with the technical expertise of the Information Technology Services Division of the United Nations and the Electronic Services Section of the Tribunal.

International Criminal Tribunal  
for the former Yugoslavia



Tribunal Pénal International  
pour l'ex-Yougoslavie

## BASIC LEGAL DOCUMENTS

◆ **Statute of the Tribunal**  
25 May 1993

◆ **Resolution 1166**, 13 May 1998

◆ **Latest Rules of Procedure and Evidence**  
Rev. 17, 17 November 1999

◆ **Amendments to the Rules of Procedure and Evidence**, 30 November 1999

◆ **Latest Rules of Detention**  
Rev. 8, 29 November 1999

◆ **Regulations to govern the Supervision of Visits to and Communications with Detainees**  
Rev. 3, July 1999

◆ **Latest Directive on Assignment of Defence Counsel**  
Rev. 7, 19 July 1999

◆ **The Code of Professional Conduct for Defence Counsel appearing before the International Tribunal**  
12 June 1997

◆ **The Code of Ethics for Interpreters and Translators Employed by the International Criminal Tribunal for the former Yugoslavia**  
8 March 1999

◆ **Basic Legal Documents: Previous Versions**

Kindly note that all the basic documents can be consulted on the [Tribunal Publications](#) page, "[Basic Documents 1995](#)" button.

[Latest Documents and News](#) | [Basic Legal Documents](#) | [Press Releases and Press Statements](#)

[Bulletins](#) | [Tribunal Cases](#) | [Tribunal Publications](#)  
[The United Nations Home Page](#)

The Dayton Peace Agreement is available at either of these two sites:  
[Office of the High Representative](#) | [The Nato Website](#)



All documents contained herein are for information only. They are **not** to be considered as official records of the Tribunal.

This site is maintained by the ICTY Press and Information Office with the technical expertise of the Information Technology Services Division of the United Nations and the Electronic Services Section of the Tribunal.

# TRIAL CHAMBERS & APPEALS CHAMBER JUDGEMENTS

## Tadic IT-94-1

|                  |                  |                                                                                                                                |                                                               |
|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Appeals Chamber  | 31 January 2000  | * <u>Judgment on allegations of contempt against prior Counsel, Milan Vujin</u>                                                | Press Release N° 467<br><u>Remarks of the Presiding Judge</u> |
|                  | 26 January 2000  | * <u>Sentencing Judgement</u><br>* <u>Separate Opinion of Judge Cassese</u><br>* <u>Separate Opinion of Judge Shahabuddeen</u> | Press Release N° 465<br><u>Summary of the Judgement</u>       |
| Trial Chamber II | 11 November 1999 | * <u>Sentencing Judgement</u><br>* <u>Separate Opinion of Judge Robinson</u>                                                   | Press Release N° 447                                          |
| Appeals Chamber  | 15 July 1999     | * <u>Judgement</u><br>* <u>Declaration of Judge Nieto-Navia</u><br>* <u>Separate Opinion Of Judge Shahabuddeen</u>             | Press Release N° 419<br><u>Summary of the Judgement</u>       |
| Trial Chamber II | 14 July 1997     | * <u>Sentencing Judgement</u>                                                                                                  | Press Release N° 226                                          |
|                  | 7 May 1997       | * <u>Judgement</u><br>* <u>Separate and Dissenting Opinion of Judge McDonald</u>                                               | Press Release N° 190                                          |

## Jelusic IT-95-10

|                 |                  |                                                                                                                         |                                                         |
|-----------------|------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Trial Chamber I | 14 December 1999 | * <u>Judgement</u>                                                                                                      | Press Release N° 454<br><u>Summary of the Judgement</u> |
|                 | 19 October 1999  | * <u>Oral Decision</u> , in French<br>* <u>Décision sur la Requête du Procureur aux fins d'être entendu</u> , in French | Press Release N° 441                                    |

## Blaskic IT-95-14

|                 |               |                                                                                           |                                                                                                           |
|-----------------|---------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Trial Chamber I | 03 March 2000 | * <u>Judgement</u> (in French, PDF format)<br>* <u>Judgement</u> (French version in HTML) | Press Release N° 474<br><u>Summary of the Judgement</u><br>Na Hrvatskom: N° 474<br><u>Sazetak Presude</u> |
|-----------------|---------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|

## Aleksovski IT-95-14/1

|                 |               |                                                                                                                                                                                          |                                                         |
|-----------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Appeals Chamber | 24 March 2000 | * <u>Judgement</u> (PDF format)<br>* <u>Judgement</u> (HTML version)                                                                                                                     | Press Release N° 481<br><u>Summary of the Judgement</u> |
|                 |               |                                                                                                                                                                                          |                                                         |
| Trial Chamber I | 25 June 1999  | * <u>Judgement</u><br>* <u>Joint Opinion of the Majority, Judge Vohrah and Judge Nieto-Navia</u><br>* <u>Dissenting Opinion of Judge Rodrigues, Presiding Judge of the Trial Chamber</u> | Press Release N° 413                                    |

## Kupreskic & al IT-95-16

|                  |                 |                    |                                                         |
|------------------|-----------------|--------------------|---------------------------------------------------------|
| Trial Chamber II | 14 January 2000 | * <u>Judgement</u> | Press Release N° 462<br><u>Summary of the Judgement</u> |
|------------------|-----------------|--------------------|---------------------------------------------------------|

## Furundzija IT-95-17/1

**Trial Chamber II** 10 December 1998 ♦ [Judgement](#)

Press Release N° [372](#)  
Statement by the Trial Chamber

---

### Celebici IT-96-21

---

**Trial Chamber II**  
quater 16 November 1998 ♦ [Judgement](#)

Press Release N° [364](#)

---

### Erdemovic IT-96-22

---

**Trial Chamber II** 5 March 1998 ♦ [Sentencing Judgement](#)  
♦ [Separate opinion of Judge](#)  
[Shahabuddeen](#)

Press Release N° [29](#)

**Appeals Chamber** 19 November 1997 ♦ [Corrigendum to Joint Separate](#)  
[Opinion of Judge McDonald and](#)  
7 October 1997 [Judge Vohrah](#)

Press Release N° [247](#)

♦ [Judgement](#)  
♦ [Joint separate opinion of Judge](#)  
[McDonald and Judge Vohrah](#)  
♦ [Separate and dissenting opinion](#)  
[of Judge Li](#)  
♦ [Separate and dissenting opinion](#)  
[of Judge Cassese](#)  
♦ [Separate and dissenting opinion](#)  
[of Judge Stephen](#)

**Trial Chamber I** 29 November 1996 ♦ [Sentencing Judgement](#)

Press Release N° [133](#)

[Latest Documents and News](#) | [Basic Legal Documents](#) | [Press Releases and Press Statements](#)  
[Bulletins](#) | [Tribunal Cases](#) | [Tribunal Publications](#)  
[The United Nations Home Page](#)



International Criminal Tribunal  
for the former Yugoslavia



Tribunal Pénal International  
pour l'ex-Yougoslavie

## TRIBUNAL PUBLICATIONS

~~Basic Documents~~ 1995 1998

~~Yearbook~~ 1994 1995 1996

~~Annual Report~~ 1994 1995 1996 1997 1998 1999

~~The Path to the Hague~~

The Basic Documents and the Yearbooks may be purchased from the United Nations Publications, Sales and Marketing Section, Room DC2-853, Dept. 1004, New York, N.Y. 10017,  
Tel. + 212-963-8302, 800-253-9646; Fax: + 212-963-3489.

Sales Office and Bookshop, Palais des Nations,  
1211 Geneva 10, Switzerland,  
Tel: + 41 22 917 2614, Fax: + 41 22 917 0084

The only official collection of ICTY rulings!

### Judicial Reports

1994-1995 (Volumes I and II)

Kluwer Law International, The Hague  
Published for and on behalf of the United Nations

Hardbound Set of Two Volumes 1238 pp., ISBN 90-411-1165-4

Price: NLG 500.00 / US\$ 300.00 / GB£ 157.00

UN Sales No. : E / F.99.III.P1

The *Judicial Reports* / *Recueils judiciaires* of the International Criminal Tribunal for the former Yugoslavia (ICTY) comprise (in English and French) all public Indictments, as well as Decisions and Judgements issued in a given year. It will give lawyers, scholars, students and the general public convenient access to the historic work of the ICTY, which was established pursuant to United Nations Security Council Resolution 827 in 1993 to try individuals accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The *Judicial Reports* are organized chronologically by case. Within each case, one will find the text of Indictments, reviews of Indictments and where applicable, deferral requests. Thereafter the text of a public review of the Indictment pursuant to Rule 61 may follow. The publication also contains the texts of the Orders, Decisions and Judgements, as well as the separate and/or dissenting opinions that may accompany a given Trial Chamber or Appeals Chamber ruling. The *Judicial Reports* will contribute to a greater knowledge of the judicial activities of the ICTY. Various annexes, such as a table of cases, a list of Indictments and Indictées, a table of Deferrals and of Rule 61 Procedures, as well as a table of references facilitates the use of these volumes.

Latest Documents and News | Basic Legal Documents | Press Releases and Press Statements

Bulletins | Tribunal Cases | Tribunal Publications  
The United Nations Home Page



All documents contained herein are for information only. They are **not** to be considered as official records of the Tribunal.

This site is maintained by the ICTY Public and Information Unit with the technical expertise of the Information Technology Services Division of the United Nations and the Electronic Services Section of the Tribunal.

**van holst en steijnen**

**From:** Despotovic Ruza <despot@wishmail.net>  
**To:** Ksenija Sigulinski <sigu@worldonline.nl>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>  
**Sent:** vrijdag 16 februari 2001 15:41  
**Subject:** Yahoo! Groups sorabia Messages Message 12024 of 12523.htm


[Groups Home](#) - [Yahoo!](#) - [Account Info](#) - [Help](#)


Welcome, Guest  
sorabia

[Register](#) - [Sign In](#)  
[\[ Join This Group! \]](#)

**Messages**[Messages Help](#)

[Reply](#) | [Forward](#) | [View Source](#) | [Unwrap Lines](#)

 [Search Archive](#)

Message 12024 of 12523 | [Previous](#) | [Next](#) | [Up Thread](#) | [Message Index](#)

Msg #  [Go](#)

[Home](#)  
[Messages](#)  
[Chat](#)  
[Files](#)  
[Bookmarks](#)  
[Database](#)  
[Polls](#)  
[Calendar](#)  
[Promote](#)

★ = Owner  
 ☆ = Moderator  
 ● = Online

**From:** "Bob Petrovich" <bojanp@h...>  
**Date:** Mon Jan 22, 2001 11:07am  
**Subject:** "Give me liberty..." revisited

HANGING BY A THREAD  
 or: "Give me liberty..." revisited

Washington Post reported on January 21: "...noting that no other country would comply with the U.N. demands if such an exception were made."  
<http://www.washingtonpost.com/wp-dyn/articles/A24348-2001Jan20.html>

Kostunica, constitutional lawyer who translated "The Federalist Papers" into Serbian, has a tough decision to make.

Decision will impact other countries, including U.S. that can not be bullied as easily as nearly-bankrupt Yugoslavia.

U.S. defended the World from bullies in WWII and won.  
 U.S. defended Europe from bullies 1945-89 and won.  
 U.S. should defend itself from the new bully today.  
 Before the bullies win.

Helping Kostunica would be the first step.

Former President Clinton stated upon authorizing U.S. signing of the 1998 Rome Treaty on the ICC:

"In signing, however, we are not abandoning our concerns about significant flaws in the Treaty...Given these concerns, I will not, and do not recommend that my successor, submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied."  
[http://dailynews.yahoo.com/hix/ap/20001231/pl/clinton\\_un\\_tribunal\\_text\\_2.html](http://dailynews.yahoo.com/hix/ap/20001231/pl/clinton_un_tribunal_text_2.html)

What the "significant flaws" and "concerns" may be:

Quote: "In deciding whether to initiate an investigation, the Prosecutor shall consider whether:

(c) Taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons TO BELIEVE THAT AN INVESTIGATION WOULD NOT SERVE THE INTERESTS OF JUSTICE [ emphasis BP]

If the Prosecutor determines that there is no reasonable basis to

above, he or she shall inform the Pre-Trial Chamber." <end quote>  
 Part 5, Article 53 <http://www.un.org/law/icc/statute/romefra.htm>

Further reading reveals:

- Seizure for any reason "to ensure that the person does not obstruct or endanger the investigation or the court proceedings." (Art. 59)
- Secret trials (Article 64, sec.7)
- Evidence withheld from the defense (Article 68, sec. 1-6)
- Accused may be held in detention even when acquitted (Art 81, sec.3c)
- "provisional arrest" (Articles 92, 59)...

Where those concepts, alien to Western principles of jurisprudence came from? <http://www.google.com/search?q=vishinsky+moscow+trials>  
 It is hard to tell.

Where those concepts, alien to Western principles of jurisprudence are used today? <http://www.un.org/icty/>

In The International Criminal Tribunal for the former Yugoslavia, precursor of International Criminal Court (ICC).

This is what President Kostunica's decision is all about.

Bob Petrovich

-----  
 Suggested reading:

Brock, Peter: "The Hague: experiment in Orwellian justice"  
 Mediterranean quarterly. 7(4) Fall 1996 : 55-74.

Alfred P. Rubin Dayton, Bosnia and the Limits of Law  
 "The National Interest" Number 46, Winter 1996/97

Alfred P. Rubin: CHALLENGING THE CONVENTIONAL WISDOM  
<http://personal.centre.edu/~samhat/ICCanti.html>

The Constitution of the United States of America:  
<http://www.law.cornell.edu/constitution/constitution.overview.html>

Patrick Henry:  
<http://libertyonline.hypermall.com/henry-liberty.html>

The Federalist Papers  
<http://www.yale.edu/lawweb/avalon/federal/fed.htm>

Dr. Thomas Fleming TODAY SARAJEVO, TOMORROW CHICAGO:  
<http://www.srpska-mreza.com/library/hague/tfleming-97.html>

Gary T. Dempsey: REASONABLE DOUBT  
<http://www.cato.org/pubs/pas/pa-311.html>

Message 12024 of 12523 | [Previous](#) | [Next](#) | [Up Thread](#) | [Message Index](#)

Msg #



[Reply](#) | [Forward](#) | [View Source](#) | [Unwrap Lines](#)

---

Copyright © 2001 Yahoo! Inc. All rights reserved.  
[Privacy Policy](#) - [Terms of Service](#) - [Guidelines](#) - [Help](#)

**van holst en steijnen**

**From:** Despotovic Ruza <despot@wishmail.net>  
**To:** Ruza Despotovic <ruzad@ggzbba.nl>; Ksenija Sigulinski <sigu@worldonline.nl>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>  
**Sent:** vrijdag 16 februari 2001 16:05  
**Subject:** Yahoo! Groups sorabia Messages Message 12214 of 12525.htm


[Groups Home](#) - [Yahoo!](#) - [Account Info](#) - [Help](#)


Welcome, Guest  
 sorabia

[Register](#) - [Sign In](#)
[\[ Join This Group! \]](#)
**Messages**
[Messages Help](#)
[Reply](#) | [Forward](#) | [View Source](#) | [Unwrap Lines](#)
 [Search Archive](#)

 Message 12214 of 12525 | [Previous](#) | [Next](#) | [Up Thread](#) | [Message Index](#)

 Msg #  [Go](#)

**From:** "Bob Petrovich" <bojanp@h...>  
**Date:** Thu Feb 1, 2001 7:04am  
**Subject:** MQ: The Hague: Experiment in Orwellian Justice

[Home](#)  
 Messages  
 Chat  
 Files  
 Bookmarks  
 Database  
 Polls  
 Calendar  
 Promote

★ = Owner  
 ☆ = Moderator  
 ☺ = Online

 FOR FAIR USE  
 -----

Mediterranean Quarterly, Fall 1996

The Hague: Experiment in Orwellian Justice Peter Brock

Summum ius summa iniuria

(Extreme justice is extreme injustice)  
 -Cicero, De Officiis

The killing fields in Bosnia are being selectively excavated as forensic teams from the United Nations sift the remains for evidence to be used in the prosecution of alleged war criminals at The Hague. But whether exhumations yield thousands, tens of thousands, or mere hundreds, answers are likely to be shaped to fit what prosecutors, the media, and advocates for a provocative concoction of new international justice want to believe. As if by devilish design, the roots of Balkan chaos will remain deliberately buried until the next grisly harvest is reaped by future generations.

The International Tribunal to Adjudicate War Crimes Committed in the Former Yugoslavia was anointed as the descendant of Nuremberg. But it has so far turned out to be an Orwellian caricature acting in concert with manipulated presumptions from the last five years that all sides in the Yugoslav conflagration are guilty, but the Serbs are more guilty than others.

Three years ago, Venezuelan jurist Ramon Escovar-Salom took a quick look around the borrowed offices and sparse furnishings at The Hague when he first visited the tribunal and quietly resigned a few weeks later.

Escovar-Salom had been hired by the United Nations tribunal to lead prosecutions against war criminals when it was created in February 1993. Eleven justices were seated ceremonially three months later. There were no prisoners in custody, nor was there a prison.

There were suspects, including presidents, generals, politicians, even journalists. The list was growing. And there were scores of thousands of

victims, claims of hundreds of thousands, and the numbers were increasing because the two-year-old Balkan wars were still raging. Also, there was no relevant law to follow.

"A brave experiment in justice of a new kind is underway at The Hague. Too brave for a world of sovereign states?" asked editors of the Economist. "Rules of procedure had to be written from scratch.... Different legal traditions have had to be reconciled." (1)

At The Hague, a wing of twenty-four cells at nearby Scheveningen prison was being remodeled. "There are already a number of guards who are waiting anxiously, I would say with impatience, until they can receive the first inmate," said Theo Van Boven, the tribunal registrar, with satisfaction. (2) But despite posturing as a successor to the Nuremberg war crimes trials, a legacy nurtured mostly from naive agitations among Western media, the tribunal at The Hague would not be the sequel to the expeditious proceedings of victor's justice that followed World War II.

In fact, the extremely narrow focus on the handful of Nazi defendants at Nuremberg five decades earlier had sowed many of the seeds that led to the breakup and nationalist inferno in Yugoslavia. At Nuremberg, even with the magnitude of the horrors of the Holocaust recounted in grisly testimony and evidence, it was a generally simplistic performance. Nazi leaders were put on trial, and after eleven months the court ordered a dozen executions and handed out seven prison sentences and three acquittals. Although genocide was catastrophically carried out against Serbs and Jews by Nazi troops and their Croat and Muslim collaborators during the war, international justice was locked out of communist Yugoslavia. The Allies watched indifferently as Josip Broz Tito, a Croat, practiced his ruthless internal justice until he died in 1980. After all, it was communists killing communists - until today, when Tito's legacy of political prosecutions is resurrected at The Hague.

#### The Hague Experiment

Since 1993, it has been conceded that The Hague experiment will not produce any victor's justice as at Nuremberg. Nor will it be prompt. It is experimental because its intended role is that of midwife to the birth of a permanent body prospectively named the International Criminal Court (ICC). The latter is what excites the small club of international law scholars and their scant following of legal specialists. The success or failure of the ad hoc Yugoslav tribunal will mean the success or failure of the ICC.

There is hardly any public awareness about and even less notice of the skepticism from a few jurists toward the kind of justice resulting from a permanent International Criminal Court or its predecessor, the current UN tribunal at The Hague with its admixture of rules and procedures borrowed ad hoc from varying national judicial systems. For those concerned about the forfeiture of national sovereignty and the sole accountability of an ICC to the United Nations, the Yugoslav tribunal raises considerable alarm.

"If the UN takes on the powers to arrest, prosecute, sentence, and imprison individuals, it is taking on sovereign powers hitherto reserved to states," said C. Douglas Lummis, copresident of the Pacific-Asia Resource Center and instructor of political philosophy at Tsuda College in Tokyo. "What we are seeing, in short, is the founding, albeit gradual and half-hidden, of a political entity unprecedented in history... Where does the UN get the power to prosecute individuals? ... The legal fiction is that the power comes from Chapter 7 of the UN Charter." (3)

Lummis and others, such as Dutch scholar Peter Baehr, insist that Chapter 7 authorizes the UN to deploy the armed forces of member states in peacekeeping operations only. (4)

"Stretch the words as you will, you cannot make them say that the UN has the power to put people in jail under criminal charges," wrote Lummis. "But what is being proposed this time is to give the UN power to prosecute individuals from states that still retain their sovereign independence. The legal and practical problems this presents are enormous." (5)

By the end of 1994, exiting registrar Van Boven proudly pointed out that the tribunal had compiled about 130 rules of evidence and procedure, compared to a scant 10 used during the Nuremberg trials. (6)

Senior American prosecutor Minna Schrag, who was briefly on loan to The Hague from a New York law firm, told international law scholars it was a novel experience to be deciding precedent on rules of evidence and procedure during impromptu conversations in hallways at the Yugoslav tribunal. (7)

"The tribunal itself is making the law and ... the document will not have to be submitted to any other UN organ for approval," said Lummis. "They write it, and it's law. Just like that." (8)

But if there was no applicable law for the Yugoslav tribunal to follow, there was a semblance of evidence presented to the tribunal in the form of a war crimes "database," which was authorized - but not paid for - by the UN in

1993 under the Commission of Experts on the former Yugoslavia. The rushed construction of the database by a group of volunteers at the DePaul University Law School in Chicago was overseen by Mahmoud Cherif Bassiouni, an Egyptian-born specialist in international law, and was paid for by billionaire George Soros. Bassiouni was originally a member of the Commission of Experts and later succeeded Dutch law scholar Frits Kalshoven as chairman.

Bassiouni, the prodigious author of books and essays on Islam and the Palestine Liberation Organization, and whose office at DePaul in 1993 displayed quotes from the Koran, has energetically promoted the Yugoslav tribunal and the primary thrust of the DePaul project, which predominantly catalogs alleged crimes by Serb perpetrators.

Kalshoven, a prominent professor of international law at the University of Leiden, had quietly exited the Commission of Experts after publicly criticizing the legal veracity of "evidence" of twenty thousand alleged mass rapes gathered by the European Parliament's Warburton Commission in early 1993. Much of the same so-called evidence, derived from official Bosnian government sources in Sarajevo and continuously recycled by journalists and humanitarian organizations, found its way to the final report from the Commission of Experts to the UN Security Council and was forwarded to The Hague in May 1994. Bassiouni's resurrection of rape estimates and numerical extrapolations are blatant transparencies in the campaign to exact justice against the Serbs using the biased research at DePaul.

"It was just a number, just guesswork," said Kalshoven. (9)

Bassiouni described the feverish exertions of his mostly volunteer researchers at DePaul to compile, as one worker called it, the "road map" that Bassiouni wanted the Yugoslav tribunal to follow.

"We worked seven days a week, two shifts a day," Bassiouni said, claiming that data was developed from Bosnian, Croatian, and Serbian sources, and finally amassed a sum total of about 65,000 documents.... All of the reports were prepared on the basis of information which we received and which our lawyers and analysts put together and produced.... Quite obviously, we did not have the resources in order to obtain first-hand information. We had to work out a multiplier effect." (10)

The DePaul project's yield of "65,000 documents," using Bassiouni's "multiplier effect" produced a relatively modest roster of five thousand incidents of murder, rape, torture, kidnapping, mass graves, and prison camps. (11)

Expected to produce data to support earlier claims of fifty thousand rapes against Muslim women from Bosnian government propagandists, the DePaul research ranged uncertainly between 500 to 1,673 alleged victims but fell back on an earlier investigation by the Commission of Experts, which documented 105 cases of rape. (12)

Kalshoven remained skeptical about what was reported by the DePaul project to The Hague - and about what was unreported.

"There is no way to check that he [Bassiouni] handed over all of it," said Kalshoven, who added that Bassiouni had clashed with other members of the commission and that there was an obvious reason behind the biased conclusions in the report.

"He can only work with subordinates, slaves," said Kalshoven, concluding with a general observation about the prosecutorial significance of the database. "The data base itself is passive." (13)

As of December 1994, the DePaul database was sitting almost unused on the floor of the prosecution office's vault at The Hague, according to one investigator who reflected doubts about the information, its affidavits, and large quantities of data received from the Croatian Information Centre in Zagreb. The center is a propaganda arm of the Croatian government.

Not surprisingly, the Commission of Experts' final report to the Security Council abused its mandate and exonerated Bosnian and Croat incidents of atrocities and human rights abuses, offering simple denial as the basis for excuse: "The Commission has ... ascertained that the Government of Bosnia and Herzegovina has expressed its opposition to these individual violations:" (14)

#### UN Security Council: "Guilty" of Double Standards

Notably, even supporters of the concept of a permanent international criminal court were wary of the Yugoslav tribunal.

"Unfortunately, experience has shown that ad hoc judicial tribunals are too often created and manipulated to serve political interests of particular states. Ad hoc tribunals tend to lack real independence and impartiality and there is a serious risk that they will fail the basic tests of justice and fairness which are well established in international law," warned Amnesty International (AI). (15)

Amnesty International immediately recognized that the Yugoslav tribunal at The Hague was a selective creation that had evaded previous genocides and crimes against humanity in Cambodia and Sudan, the Indonesian army's rampage in East Timor, Turkish and Iraqi persecutions of Kurds, and others. AI's tone was dubious: "Even if this ad hoc tribunal is fair, the Security Council is still guilty of double standards by setting up a tribunal only for this conflict." (16)

Likewise, two months after the tribunal was summoned into existence on 3 May 1993, a special task force of the American Bar Association (ABA) produced a remarkable booklet titled Report on the International Tribunal to Adjudicate War Crimes Committed in the Former Yugoslavia. The ABA supported the prosecution of war crimes but offered about 150 general and specific concerns, suggestions, and recommendations applicable to numerous sections of the Statute of the International Tribunal.

Understandably, the ABA made pointed remarks about rules of evidence and procedure, the use of ex parte testimony and evidence, and limitations for allowing the accused to confront their accusers. The ABA was also discomfited by the allowance of appeals by prosecutors.

There was no mention of the issue of statute of limitations, which would open up a Pandora's box about unadjudicated war crimes before and since, the institution of the Geneva Conventions in 1949. The tribunal was limited to offenses committed since January 1991.

Monroe Leigh, a Washington attorney and ABA task force chairman, said the tribunal's response was "cloudy" about the report and its concerns and suggestions. (17) In view of the resulting guidelines used by the tribunal, Leigh's observation was profound understatement.

Two months before the creation of the tribunal, there was at least one other set of recommendations, submitted concerning the as yet unborn body's role. The Organization of the Islamic Conference (OIC) submitted to the UN Security Council a series of forty-two recommendations for rules and procedures to be used by the tribunal. The difference between this document and the ABA task force report is extraordinary if comparing only the sizes of the two documents. The OIC's six pages indicated it was generally in harmony with the tribunal's projected procedures, which were later adopted, including the right of appeals by prosecutors and provisions that defendants were liable to double jeopardy. The ABA task force report was seventy-one pages.

Among the seven signatories to the OIC recommendations were representatives of Malaysia and Pakistan, each of which landed a justice on the eleven-member Yugoslav tribunal - Pakistani Rustam Sidhwa and Malaysian Lal Chand Vohrah. The rest of the original tribunal included Gabrielle Kirk McDonald of the United States; Adolphus Godwin Karibi-Whyte of Nigeria; Germain Le Foyer de Costil of France; Elizabeth Odio Benito of Costa Rica; Antonio Cassese of Italy; Georges Michel Abi-Saab of Egypt; Jules Deschenes of Canada; Li Haopei of China; and Sir Ninian Stephen of Australia.

Noticeably absent were representatives from nations with recognized reputations of neutrality, such as Sweden, Norway, Finland, and Switzerland. Also omitted was any tribunal member whose homeland contained a sizable Orthodox Christian population, while the Catholic and Islamic presence on the tribunal was abundant. The tribunal's composition was the more incredulous in light of the decision that sentences would conform to punishment, excepting the death penalty, used by former Yugoslav courts.

A footnote in the ABA task force report contained mention of the doubt that has nagged the conscience of Western promoters of an international law collective since the end of World War II and that now reappears in the context of the Yugoslav tribunal. Referring to the Tokyo War Crimes trials: "The French judge at the Tokyo Trials dissented from the tribunal's decision as a whole on the ground that procedures were inherently flawed." (18)

As it applies to war crimes in Yugoslavia, there is the growing certainty that whatever justice is served up at The Hague will be selective and historically unjust.

Clearly, the investigators and prosecutors at The Hague were synchronized to took primarily for Serbian offenses. Escobar-Salom's successor admitted in private correspondence that serious investigations against suspects connected to atrocities and war crimes against Serb victims did not begin until January 1995. (19)

Three months later, investigators began following up on the existence of a Muslim-run detention camp, which had held up to six hundred male and female Serb civilians in an empty wheat silo at Tarcin near Sarajevo. Torture, abuse, and starvation were suffered by civilian inmates of all ages since the Tarcin silo began operating as a prison camp in May 1992, a month after the Bosnian war began and three months before the media hysterically announced the discovery of Serb-run detention camps in Bosnia. (20) By mid-1996-nearly eight months after the signing of the Dayton Accords that called for

immediate release of all prisoners - Tarcin remained in use. Though documented as early as 1992 by the International Red Cross, the Tarcin silo has yet to be the subject of indictments at The Hague.

At least through June 1996, blind Lady Justice was keeping one eye open at The Hague with indictments against forty-six Serbs, nine Croats, and three Muslims. Justice at The Hague moved slowly for some and rapidly for others.

"Out of indignation at the war in Bosnia, the world has at last agreed to a workable legal framework, and in remarkably short time," the Economist's editors noted. (21)

Along with the ABA's reservations, it appeared that the mainstream of Western and American lawyers were especially vulnerable to and vexed by the media and political indignation driving the five-year-old Yugoslav wars. Also, it was predictable that they would be gullibly swept up in the feverish stampede to inflict justice upon the handful of defendants destined for trial at The Hague. However, it was remarkable that the rush to judgment was detoured through unthinkable shortcuts, at least when compared to the American judicial system, with substantial forfeiture of defense rights to cross-examine witnesses, the rights of accused to confront their accusers, the permitted liberal use of hearsay, and minimized requirements for production of forensic evidence, if not its outright absence. Such cherished guarantees as equal protection under the law were wholly depreciated. And more repugnant to American thinking, the tribunal at The Hague, with its selective oversight, could bring defendants to trial again after their acquittals or token convictions and light sentences from national courts, thus discarding protection from double jeopardy.

"It's very important for us to resist the judicial romanticism that infects American lawyers, a belief that if we just create a court and set it up somewhere it will begin to bring about changes ipso facto by its existence," warned Michael Reisman, professor of international law at the Yale University School of Law. "Indignation can also lead to impetuous, destructive action. In some cases [war crimes tribunals] are likely to increase the costs of suspending violations under way, for violators will conclude that if they do not prevail they will be tried and punished.... If the elite and substantial parts of the rank and file of one side anticipate that a consequence of a peace agreement will be their prosecution and punishment for their acts in the course of the conflict, they will hardly be disposed to lay down their arms." (22)

Such a potential is clear in the political creation of The Hague tribunal before the end of Yugoslav hostilities, weighing the double-edged effects of the tribunal's bizarre creation and life span. Reisman was struck by the peculiar mission and longevity of the Yugoslav tribunal set up by the UN Security Council:

Curiously, the manifest purpose of the establishment ... of the Yugoslav tribunal was not to punish serious violators but to secure compliance with obligations under international law and to press the parties to a peace agreement. . . . Thus, the moment a peace agreement was secured between the warring factions, the life of the tribunal would end. In the ordinary course of events, it is precisely at the end of a conflict that an international tribunal kicks into operation.... [We] should be quite candid: at least at the moment of creation, the purpose and essential design of the tribunal was to use it to accomplish goals unsuited to its structure and to terminate it as soon as those goals were secured. (23)

Without doubt the tribunal was intended less for justice than for political leverage—primarily by the United States - to extort concessions primarily from Serb leaders with the threat of renewed sanctions against innocent - and primarily Serb - populations.

#### Racist Justice for Rwanda

Suddenly, in the midst of the Bosnian war, slaughter broke out over a few months in Rwanda and forced the awkward creation of a companion tribunal in 1994. But highly publicized indignation, along with some initial dedication to equally apply international justice to alleged genocide in Yugoslavia and Rwanda, evolved into lopsided results through mid-1996 and suggested a latent racism and pacifism about African war crimes. In Yugoslavia and Bosnia, white Europeans fought each other, and Slovenes, Croats, Muslims, and Serbs were ethnically indistinguishable in the mayhem that yielded propaganda-inflated fatalities of two hundred thousand when hostilities ceased in mid-1995. The Rwandan tribunal was a face-saving, public relations maneuver thrown together with little hope for justice after the much more savage rampages among blacks in Rwanda, where between five hundred thousand and one million were killed.

Optimism about The Hague tribunal as a panacea suited equally to Rwanda and Yugoslavia was misplaced despite such expectations voiced in an early editorial: "Rwanda should be the easier case in practical terms because evidence is plentiful and the perpetrators more accessible." (24)

But the Rwanda exercise has appeared to border on the inept, with the initial

efforts by investigators, most of whom are not black and are strangers to Africa. One human rights worker recalled how she sent a list of possible witnesses of two massacres to investigators at The Hague. "They sent me back a form to fill with spaces for name, street address and telephone number," she said. "There are no telephones and no streets in rural Rwanda." (25)

Prosecutor Richard Goldstone, though celebrated more by non-South Africans as a reformer, displayed exactly the kind of imperialist behavior that gratified skeptics elsewhere in Africa, who had questioned whether he could fairly and comprehensively sort out Rwandan war crimes. Goldstone, a white jurist, had displayed a presence that was ambitious, ethical, and energetic, vowing he would play no favorites nor be restrained or intimidated by politics. But with Goldstone as the tribunal's figurehead, prospects for justice with Rwanda had to be unsettling for most African nations, because no matter how seriously Goldstone was perceived as a reformer, he derived from the South African judicial system newly emerging from apartheid and whose benches were still held, with few exceptions, by white males who had presided during apartheid.

Most war crimes suspects were hiding in Zaire and Kenya. Calling a bluff from Kenyan President Daniel arap Moi, who had "threatened to arrest any member of the tribunal who set foot in his country," Goldstone barged into Nairobi a week later and announced he'd "rather investigate senior people, even if we're not likely to get them." (26) The Kenyan president could not mistake the message as applying to those who harbored suspected war criminals.

On the issue of impartiality at The Hague, the distribution of investigators was disproportionate to alleged war crimes violations. After perhaps a million deaths, only thirty investigators were sent to Rwanda. (27) While fifty investigators (28) were probing the more realistic claims of twenty thousand to thirty thousand killings in Bosnia (29) - not the inflated claims of two hundred thousand to two hundred fifty thousand dead or missing.

A handful of token indictments resulted against alleged Hutu war criminals from the Rwanda tribunal based in Arusha, Tanzania, with no suspects in custody nor likely to be prosecuted soon. (30)

Escobar-Salom's premonitions at The Hague proved correct when he quietly backed away from international judicial infamy that inevitably dooms southeastern Europe to renewals of maelstrom for the next generation and which may well engulf more than the whole of Europe and Africa.

Continued. . .

#### War Crimes Prosecutions: Selective and Symbolic

By 1994, operations at The Hague remained shaky. "When I was at The Hague in July, twenty assistant prosecutors and investigators had to share, for reasons of economy, a single telephone that could call outside the Netherlands," said Thomas S. Warrick, a Washington attorney and past senior counsel to the chairman of the UN Commission of Experts on the Former Yugoslavia. (31)

By mid-1996, and after more than three years since it was formed, the tribunal at The Hague had indicted fifty-eight suspects, and trial had commenced against Dusko Tadic, an alleged guard at the Serb-run detention camp at Omarska in Bosnia. But Tadic was far from being one of the big fish, alleged masterminds or political leaders behind the five-year-old Yugoslav civil wars.

Goldstone said barely four months after taking the job that prosecution would be both "selective" and "symbolic" and, using the same occasion to complain about inadequate funds, began a series of unofficial threats about quitting if he continued to be obstructed in getting the budget he wanted from the financially strapped UN. (32) Just previous to the UN officially going broke in April 1996, (33) Goldstone grimly announced that he would quit by October.

"Justice Goldstone could have played the budget game of asking for 2X in the hopes of getting X. This is not his way, though," said Warrick. (34) The UN had originally budgeted The Hague tribunal at \$28.6 million. Goldstone said he was quitting after being turned down in his request for a 1996 budget of \$40.3 million.

From the beginning, Goldstone ferociously defied critics who were concerned about the tribunal's political misuse.

"I can give you the assurance that we won't respond to the political consequences either in what we do or in its timing," Goldstone vowed. (35) However, the largest single batch of indictments, against twenty-one Serbs, occurred on 13 February 1995 and "coincided with this week's budget discussions for the tribunal at the United Nations." (36)

Germans, as Germany's chief prosecutor Kay Nehm announced they were investigating fifty-one Serbs for war crimes and expediting a law to allow for extradition to The Hague. (37) Unnamed "Bosnian human rights activists presented the German government with a list of about 1,300 people they accused of war crimes." (38) The German dragnet was as relentless in as it was indifferent to arresting the innocent and ignoring basic methods of establishing correct identities of alleged suspects Goran Lajic, a Bosnian Serb arrested in Germany for murder and torture, was jailed for over three months until released after authorities in Germany and The Hague decided he had only the same name and birth date as a war crimes suspect. (39)

"The reversal also underscored one of the tribunal's major hurdles - identifying the often obscure perpetrators of atrocities committed several years ago. The tribunal does not even have photos of some of its suspects.... Lajic said he repeatedly told German judges when he was first arrested that they had the wrong man. The German jurists replied they had no jurisdiction in the case." (40)

This cross-jurisdictional chaos was what chilled tribunal critics, who generally "regarded it as a sop to public opinion or a surrender to naive American moralism." (41)

Needless to say, the Yugoslav tribunal was not in business to prove defendants innocent. And, although given oversight over national courts, the tribunal has not intervened in a series of judicial mockeries.

A Danish court convicted Refic Saric, a Muslim, for helping his Croat captors kill fellow inmates in 1993. After a three-week trial, Saric was sentenced to eight years in a psychiatric wing of a Danish prison. "The man has said he is a victim of mistaken identity, and he has been declared mentally ill by a Danish medical examiner," (42) according to the Associated Press.

Dusko Cvjetkovic, a Bosnian Serb, was accused of murdering one detention camp inmate and being involved in the disappearance of two others. Austrian prosecutors charged Cvjetkovic with genocide in two jury trials in Salzburg, which ended in acquittals. Cvjetkovic remained in custody while prosecutors appealed the not-guilty verdict and was eventually released. Cvjetkovic's case - applying genocide to a single case of murder and possible complicity in a pair of disappearances - is astonishing. "That's pretty steep. It shocks my sensibilities," said Kalshoven. (43)

The Hague tribunal, along with the Western media, ignored what appeared to be several serious trials for alleged war crimes in Serbia and in Bosnian Serb courts. For instance, a former member of a Serbian paramilitary unit was prosecuted in Sabac during November 1994. Dusan Vuckovic faced the death penalty for killing sixteen Muslim civilians near Zvornik in 1992. (44)

Prosecutors at The Hague declined to extradite Borislav Herak, the infamous Bosnian Serb soldier who was captured in early 1993 and who confessed to raping ten Muslim women and killing twenty civilians. Herak became an international sensation and took the spotlight in the Bosnian government's propaganda onslaught to convince world opinion about mass rape. In a show trial in Sarajevo, Herak was convicted and sentenced to death solely on the basis of a confession. There were no actual witnesses or evidence. Herak, the focus of a Pulitzer Prize-winning package of stories in the New York Times, later claimed his confession was beaten out of him and asked for a new trial at The Hague. It has been ignored. (45)

Through February 1995, Croatian courts had convicted more than one hundred Serbs in absentia. (46) (without monitors from The Hague) and continued to stage token trials against Croat war crimes defendants, making it less likely for the Yugoslav tribunal to retry suspects in light of sensitivities about double jeopardy.

After deciding there was no evidence to hold Bosnian Serb Col. Aleksa Krsmanovic for mass killings around Sarajevo, the tribunal returned him to his Bosnian government captors, who had kidnapped him in January 1996 and who announced after his return from The Hague that "new evidence" had developed. (47) The tribunal declined to reconsider, and Krsmanovic certainly faced double jeopardy - one of the ABA task force's main concerns in 1993 - and a trumped-up trial in Sarajevo by a judiciary that was lavishly praised for its supposed ethics and newly anointed Western impartiality by the ABA in March 1996! (48)

Though clearly within its jurisdiction, the tribunal refused to investigate the conspiracy between the White House and Saudi Arabia in the smuggling of \$300 million in weapons to the Bosnian government over a three-year period. The illicit arms trafficking was in direct violation of the UN arms embargo and took place while UN peacekeeping troops were on the ground in Bosnia.

Unanswered omissions by tribunal prosecutors and investigators include the blatant ethnic cleansing of tens of thousands of Serbs from Sarajevo suburbs, verified by UN officials on the scene, in early 1996 and in direct violation of the Dayton Accords. (49)

The tribunal and its investigators turned a blind eye after the theft of four computers full of war crimes evidence from the UN Center for Human Rights in Zagreb on 12 January 1996. "There were no backup files for the data stored in two of the computers, almost exclusively allegations of widespread human rights abuses by Croatian troops during their offensive against rebel Serbs last summer." (50) The "rebel Serbs" were in fact the 200,000 original occupants of the Krajina region, who were ruthlessly cleansed as 22,000 homes were "looted and torched" and at least 230 mostly elderly Serbs "were found with throats cut, or a bullet in the back of their head." (51) The stolen data probably included damning information about "mass graves that U.N. officials say contain 750 bodies (of Serbs)." (52) Croats have refused to permit exhumation of the mass graves, again in defiance of the Dayton treaty.

#### Justice for Serbia: From Cliche to Cliche

In March 1996, famed German novelist Peter Handke was beginning his speaking tour throughout Germany, Austria, and Slovenia to promote his controversial new essays, titled *Justice for Serbia: A Winter Trip to the Danube, Sava, Moravia and Drina*. Handke had long been troubled by five years of demonization of Serbs, which he blamed on a "conspiracy of lazy and mendacious journalists who surf from cliché to cliché." (53)

During the same month, Handke's echo was indirectly heard from an unlikely source who was nearing the end of his Bosnian tour. Admiral Leighton W. "Snuffy" Smith, who was commander of the U.S.-led NATO forces occupying Bosnia, explained that American troops would protect tribunal investigators who were arriving to begin inspection of suspected mass graves. Smith noted that the tribunal's personnel were not receiving cooperation from Bosnian Serb troops around Srebrenica. Smith said he urged Serb commanders to cooperate, "because right now your country is the one that has been sort of indicted by world opinion." (54)

By July 1996, the Yugoslav tribunal at The Hague had succumbed to the Rasputin-like rantings from the American-led media advocacy against Bosnian Serb President Radovan Karadzic. After a series of inflammatory hearings at The Hague, the tribunal issued international arrest warrants for Karadzic, stemming from his alleged complicity in mass killings a year earlier in Srebrenica, a small town in eastern Bosnia that had a prewar population of about six thousand Muslims and Serbs. Srebrenica achieved international notoriety in mid-1993 after it became a UN safe haven for about thirty thousand Muslims. In violation of its safe-haven status, Srebrenica also became a staging center for Bosnian government troops, who had marauded surrounding Serb villages during the previous year, a fact overlooked or minimized by war correspondents and the Yugoslav tribunal.

The arrest warrants came on 11 July, the same day a new judicial ripple occurred with a decision from the World Court in The Hague that it intended to take parallel jurisdiction on crimes of genocide in the vortex of the Balkan cataclysm. The Yugoslav tribunal was restricted to individuals between states and had been weighing arguments for three years from legal representatives of the Bosnian Muslim government that Serbia had instigated and sustained the Bosnian war. The Bosnian Muslim leadership gloated as the World Court's ruling increased pressure immediately on Serbian President Slobodan Milosevic to hand over Karadzic or face prosecution for war crimes. (55)

Along with the commencement of a war crimes sweepstakes at The Hague, there was an increasing probability that Karadzic was being politically set up for abduction similar to the kidnapping of former Panamanian president Manuel Noriega by U.S. troops. Certainly, such a plan existed at the Pentagon. Not insignificantly, it was also an election year, and the reelection hopes of President Clinton needed a home run.

Journalists at a press conference in Zagreb could not mistake the bait dangled by U.S. Defense Secretary William Perry. The Associated Press reported him saying,

"I do not expect to see either one of them in a position of authority in [Bosnia] at the end of the year." Asked whether special forces might be sent in to get [Bosnian Serb General Ratko] Mladic, instead of using the NATO peacekeepers, Perry replied that he does not comment on future operations -- "either ones we really have plans for or ones we are just thinking about." Perry added that he believes the issue of Mladic and Karadzic will be "resolved well before this one year is up." (56)

Political intrigue intensified, but nowhere had war crimes politicking been more evident than within the tribunal itself.

Impatient that his chief prosecutor had not landed a big fish, Chief Judge Antonio Cassese successfully campaigned for indictments against the Bosnian Serb president, which were issued on 25 July 1995.

Surprisingly, senior tribunal prosecutor Schrag had said three months earlier that investigators at The Hague had "no evidence" to indict Bosnian Serb

war crimes suspect. The stigma successfully prevented him from traveling to sites of peace negotiations where arrests could occur at any moment. Journalists sniffed the political ploy but sidestepped "the legal maneuver that could further damage U.N. relief and truce efforts in Bosnia." (58)

Cassese was restless over Goldstone's methodical investigations and berated Goldstone in a public press release, ordering the prosecutor to produce indictments against big fish to satisfy the clamor whipped up by the mainstream Western media. (59) The press release came a month before Schrag said there was no evidence to justify such indictments.

At the same time, the Muslim-dominated Bosnian government schemed to stampede indictments by The Hague tribunal against Karadzic, saying Bosnian courts were ready to prosecute Karadzic and Mladic in absentia.

Faced with the blemish of double jeopardy in the tribunal's most important case, Goldstone knew his hand was forced on all sides and headed off the Bosnian courts.

"The names of Karadzic and Mladic will appear in a written request from the United Nations Tribunal to the Bosnian government that it defer its own judicial investigations of the two men to the tribunal in The Hague. The officials said this 'formal request for deferral' amounted to a statement that the U.N. court is preparing to bring charges against Karadzic and Mladic, and therefore wants to avoid the possibility that the two men could be tried twice for the same crimes." (60)

#### From Expedience to Blackmail to Political Assassination

World opinion had indeed been sculpted to portray Karadzic and Mladic as Nazi-like reincarnations. The Yugoslav tribunal's hearings that preceded arrest warrants for Karadzic and Mladic were publicly perceived as explicit justification and demands to achieve, at least, political assassination.

"For all its lofty purpose, the conduct of the Bosnian war crimes probe has become intertwined with expedience. As the biggest supplier of money and information to the tribunal, the U.S. has secured invaluable leverage over the region's power-brokers. Crudely put, it can blackmail them by threatening to share the huge amount of intelligence it has gathered in the war." (61)

Karadzic had consistently stated his intentions to deal with possible war criminals in his ranks.

"We will shoot some people. We will execute them," he confided in the modulated tone that is as much his trademark as the floppy lock of thick hair across his forehead. "But not now. After the war." (62)

The Bosnian Serb president was not talking about executing political rivals or traitors or enemies. He was talking about the severity of consequences he intended to impose after the war, a topic that obviously sat uneasily in the back of his mind as did the realization that justice was a luxury often available only during peacetime. "We are going to try anyone if you give us any evidence," he said. (63)

With a series of unusual and inflammatory hearings, the Yugoslav tribunal paraded witnesses and testimony before issuing international arrest warrants against Karadzic and Mladic.

Specifically, allegations would focus on the episode of the eventual Serb takeover of Srebrenica. Evidence of expedience seemed to be the most preferred about what might have happened there and whether there was a thread of connection through Mladic to Karadzic. Totally minimized was that Srebrenica's Serb population had been eliminated before the media re-created it as a besieged Muslim enclave and UN-declared safe haven in 1993.

A series of news reports suggested a daunting range of quantity and quality on the facts about the episode of Srebrenica, including brief and cryptic hints about whether thousands of Bosnian Muslim men had been murdered and disposed of in mass graves or if, as Serbs claimed to scoffing reporters and officials, Muslims had fought desperately among themselves. Or perhaps they had escaped to areas controlled by Bosnian government troops where they could remain "officially missing" as long as their actual whereabouts could not be finally substantiated.

#### Notes:

1. "Justice without Victors," *Economist*, 7 January 1995, 44.
2. Theo Van Boven, press conference at The Hague on his resignation and departure from the tribunal, 19 December 1994.
3. C. Douglas Lummis, "Time to Watch the Watchers," *Nation*, 26 September 1994.
4. Peter Baehr, interview with the author, University of Utrecht, December 1994.
5. Lummis, 302.

6. van Boven.
7. Minna Schrag, speech at the University of Virginia Law School, Charlottesville, Va., March 1995.
8. Lummis, 303.
9. Frits Kalshoven, interview with the author, Geneva, December 1994. 1
10. Mahmoud Cherif Bassiouni, speech at the University of Virginia Law School, Charlottesville, Va., March 1995.
11. Associated Press wire report, 24 April 1994.
12. Final Report of the Commission of Experts to the U.N. Security Council, New York, United Nations, 27 May 1994.
13. Kalshoven.
14. Final Report of the Commission of Experts.
15. Statement by the Amnesty International Secretariat, London, 26 February 1993.
16. Ibid.
17. Monroe Leigh, interview with the author, Washington, D.C., 1993.
18. American Bar Association, Report on the International Tribunal to Adjudicate War Crimes Committed in the Former Yugoslavia, New York, 8 July 1993, 29.
19. Justice Richard Goldstone, private correspondence with M. Samardzija, January 1995.
20. American Serbian Women's Caucus, The Case of 158 Serbs imprisoned in the Muslim-Held Silo Camp in Tarcin, Bosnia and Hercegovina, Napa, California, April 1995, submitted to prosecutor Richard Goldstone, International Criminal Tribunal, The Hague.
21. "Justice without Victors."
22. Michael Reisman, speech at University of Virginia law School, Charlottesville, Va., March 1995.
23. Ibid.
24. "War Crimes Cry Out for Justice," editorial, Independent (London), 2 November 1994.
25. Quoted in Lindsey Hilsum, London Observer Service wire report, 13 November 1995.
26. Ibid.
27. Ibid.
28. Jane Perlez, New York Times, 27 January 1996.
29. Washington Monthly, March 1995; New York Times, 9 January 1993. The figure of two hundred thousand dead in Bosnia was being recited by Bosnian government officials by early 1993, when most hostilities had ceased. The claim that eight thousand Muslims had died during the taking of Srebrenica in July 1995 had not been confirmed, despite exhumations of supposed mass graves by forensic experts from the tribunal, as of July 1996.
30. Barbara Crossette, New York Times, 22 February 1996.
31. Thomas S. Warrick, "War Crimes: Don't Let Them Get Away with It," Washington Post, 20 December 1994, . Op-ed page.
32. Christop Driessen, Deutsche Presse Agentur wire report, 6 November 1994.
33. Robert Reid, Associated Press wire report, 30 April 1996.
34. Warrick.
35. New York Times, 24 April 1996.
36. Associated Press wire report, 13 February 1995.
37. Associated Press wire report, quoting from Stern, 1 November 1994.
38. Associated Press wire report, 14 February 1995.
39. Jennifer Chao, Associated Press wire report, 17 June 1996.
40. Ibid.
41. Editorial, Independent (London), 2 November 1994.
42. Mike Corder, Associated Press wire report, 7 November 1994; and Jan M. Olsen, Associated Press wire report, 23 November 1994.
43. Kalshoven.
44. Olsen.
45. Kit Roane, New York Times, 30 January 1996.
46. Associated Press wire report, 28 February 1995.
47. Associated Press wire report, 29 March 1996.
48. Gary A. Hengstler, "Out of the Rubble," American Bar Association Journal (March 1996): 52-64.
49. Associated Press wire report, 15 March 1996.
50. Jasmine Kuzmanovic, Associated Press wire report, 16 January 1996.
51. Associated Press wire report, 31 January 1996.
52. Ibid.
53. Stephen Kinzer, New York Times, 17 March. 1996.
54. New York Times, 31 March 1996.
55. Associated Press wire report, 11 July 1996.
56. Associated Press wire report, 30 March 1996.
57. Schrag.
58. Abner Katzman, Associated Press wire report, 24 April 1995.
59. Vanessa Vasic Janekovic, "All the President's Questions" Balkan War Report (May 1995).
60. New York Times, 23 April 1995.
61. Editorial, Financial Times of London, 13 February 1996.
62. Radovan Karadzic, telephone interview with the author, December 1994.
63. Associated Press wire report, 13 February 1995.

-----  
 Peter Brock has been a newspaper journalist for twenty-six years.

## HIDDEN TRUTH ABOUT WAR IN BOSNIA & HERZEGOVINA

Letter to representative of Hague Tribunal (ICTY)

Criminal charges

Photo documentation

Letter to representative of Hague Tribunal (ICTY)

Dear Sir/Madam,

I trust and believe that the enclosed documentation will help you understand the roots of the war in Bosnia and Herzegovina. It will provide information of the first instances of the ethnic cleansing, genocide and acts against humanity as well as of the first camps established in that troubled land.

The winds of war and the speed of subsequent developments have cast a long pall of oblivion over these tragic events, but the victims and justice demand that these facts see the light of the day.

For your convenience, given below is a brief account of the events that took place in Bosnia and Herzegovina at the very beginning of the war:

1. 26 March 1992, massacre and ethnic cleansing in the village of Sijekovac, Municipality of Bosanski Brod;
2. 4 April 1992, massacre on the Kupres mountain, Western Bosnia;
3. 10 April 1992, invasion of Herzegovina by the Croatian military, and
4. 12 April 1992, formation of the first military units of the Army of the Republic of Srpska.

It is pointed out that Croatia made a deliberate effort to spill over the ongoing civil war in Croatia into Bosnia and Herzegovina, and that all the atrocities were committed by the Croatian military, with that aim in mind.

Thanks for your attention,

Darko Trifunovich

Legal expert

Republic of Srpska

Documents received by:

Mr. Michael Keegan  
Office of the Prosecutor  
International Criminal Tribunal  
for former Yugoslavia

Documents given by:

*Darko Trifunovic*  
Mr. Darko Trifunovic  
Member of the Commission  
of Law Experts for War Crimes  
of the Republic of Srpska

This document was submitted to the ICTY 1996-7, but nobody from this list, were not accused. Today, those perpetrators of mentioned crimes are free men's.

**Republic of Srpska**  
**Commission of Experts**

**CRIMINAL CHARGES**

(They are still free?)

for the act of genocide against the Serb nation in Article 141 of the Penal Code of the S.F.R.Y. defined and punishable according to the Convention on the Prevention and Punishment of Crimes of Genocide adopted by the UN General Assembly in 1948, and War Crimes against the civilian population in Article 142. of the Penal Code of the S.F.R.Y. defined and punishable according to the 1949 Geneva Convention on the Protection of civilians during the wartime, against:

1. **Causevic Nijaz** (Muslim), nickname 'Medo', son of father Muhib and mother Djuka, born on 13 March 1953 in village Sijekovac, Municipality of the city of Bosanski Brod (Bosnia and Herzegovina - BIH);
2. **Pohara Armin** (Muslim), son of father Esad, born on 15 June 1958 in Slavonski Brod (Croatia);
3. **Brzic Ivan** (Croatian), son of father Ilija and mother Andja, born on 15 November 1949 in village Vukicevici, Municipality of Jajce (BIH);
4. **Prkacin Ante** (Croatian), from Slavonski Brod (Croatia), other information about him not available, investigation is underway;
5. **Obradovic Rade** (Croatian), from Slavonski Brod (Croatia), other information about him not available, investigation is underway;
6. **Kovacevic Zemir** (Muslim), son of father Hasim, born on 8 August 1966 in Slavonski Brod;
7. **Manota Andrija** (Croatian), son of father Anton, born on 9 May 1956 in village Sijekovac, Municipality of Bosanski Brod;
8. **Kalenderovic Jasmin** (Muslim), nickname 'Kalc', son of father Naiz and mother Marija, born on 21 February 1966 in Sijekovac;
9. **Kalenderovic Drago** (Muslim), nickname 'Kalc', son of father Naiz and mother Marija, born on 8 August 1963 in Slavonski Brod;
10. **Pinjagic Hibo** (Muslim), son of father Mustafa, born on 25 September 1964 in Slavonski Brod;
11. **Pinjagic Huso** (Muslim), son of father Mustafa, born on 19 November 1955 in Sijekovac;
12. **Dugalic Ejub** (Muslim), son of father Ibrahim, born on 16 April 1945 in Sijekovac;
13. **Dugalic Idriz** (Muslim), nickname 'Gigo', son of father Ibrahim, born on 9 May 1939 in Sijekovac;
14. **Soldan Ivko** (Croatian), son of father Anto, born on 29 July 1938 in village Zboriste, Municipality of city of Bosanski Brod;
15. **Kovacevic Selver** (Muslim), nickname 'Suljo', son of father Hasib, from Sijekovac, identification underway;
16. **Dobojsic Benjamin** (Muslim), son of father Refik and mother Mirsada, born on 15 November 1966 in Sijekovac;
17. **Kovacevic Salko** (Muslim), nickname 'Dvogus' from Sijekovac, identification underway;
18. **Soidan Tomo** (Croatian), son of father Sime, born on 23 May 1925 in Gornje Mocila, Municipality of Bosanski Brod;
19. **Saicin Rasid** (Muslim), son of father Kasim, born on 1 March 1946 in Sijekovac;
20. **Causevic Izet** (Muslim), son of father Alaga, born on 8 May 1964 in Sijekovac;
21. **Kovacevic Blazen** (Croatian), nickname 'Murjak', son on father Luka, born on 20 November 1950 in Novo Selo, Municipality of Bosanski Brod;
22. **Blazevic Drago** (Croatian), other information unknown, identification underway-;
23. **Kovacevic Semir** (Muslim), son of father Masib, other information unknown, identification underway;
24. **Memisevic Salko** (Muslim), nickname 'Djogusa', son of father Salko, born on 4 March 1959 in Sijekovac;
25. **Kovacevic Suad** (Muslim), nickname 'Nele', son of father Mujo, identification underway;
26. **Buketa Ivan** (Croatian), son of father Slavko, born on 19 August 1958 in Slavonski Brod;
27. **Besirevic Adem** (Muslim), son of father Abid, born on 12 May 1942 in village Jales, Municipality of Foca (SIH);
28. **Dobojsic Dino** (Muslim), son of father Refik from Sijekovac;
29. **Rubil Goran** (Croatian), son of father Jozo, born on 27 May 1964 in Slavonski Brod;
30. **Kljajic Ilija** (Croatian), from village Kricanovo, Municipality of Bosanski Brod, other information unknown;
31. **Stipic Nedo** (Croatian), information unknown, identification underway;
32. **Kljajic Ranko** (Croatian), from village Kricanovo, Municipality of Bosanski Brod, other information unknown, identification underway;
33. **Dugalic Amir** (Muslim), son of father Ejub, born on 5 March 1975 in Sijekovac;
34. **Adjulovic Ahmed** (Muslim), nickname 'Raka', son of father Mehmed, born on 24 November 1970 in

Sijekovac;

35. **Grgic Simo** (Croatian), son of father Pejo, born on 28 August 1950 in Slavonski Brod.
36. **Smajic Emir** (Muslim), nickname 'Emko', born on 12 August 1952 in Sijekovac;
37. **Djakovic Dragan** (Croatian), nickname 'Bokser', other information unknown, identification underway;
38. **Katinic Mirko** (Croatian), son of father Luka, born on 28 April 1934 in Kricanovo, Aunicipality of Brod;
39. **Katinic Simo** (Croatian), son of father Luka, born on 10 January 1937 in Kricanovo, Aunicipality of Brod;
40. **Kljucevic Franjo** (Croatian), son of father Jakov from D. Mocila, identification inderway;
41. **Kljucevic Jozo** (Croatia), son of father Jakov from D.Mocila, identification underway;
42. **Cicak Josip** (Croatian), son of father Luka from Ruza, born on 14 February 1963 in Dobo;
43. **Besirevic Hakija** (Muslim), son of father Abid and mother Hana, born on 1 0 Jovember 1951 in Jelas, Municipality of Foca;
44. **Blazevic Pejo** (Croatian), son of father Stipe and mother Ruza, born on 5 September 1957 in Novo Selo, Municipality of Bosanski Brod;
45. **Jasarevic Ago** (Muslim), son of father Kasim, born on 1 1 September 1968 in Slavonski Brod;
46. **Causevic Meho** (Muslim), son of father Alaga and mother Selveta, other information inknown, investigation underway;
47. **Bajrovic Salem** (Muslim), son of father Pasa, allegedly from Sijekovac, investigation inderway;
48. **Fulan Hajrudin** (Muslim), son of father Mujo and mother Alija, born on 17 March 1960 in Sijekovac;
49. **Kljajic Rudolf** (Croatian), son of father Nikola, investigation underway;
50. **Kljajic Jozo** (Croatian), son of father Ratimir, investigation underway;
51. **Misic Smajo** (Muslim), son of Ibrahim, born on 21 April 1967 in Sijekovac;
52. **Kruljac Miaden** (Croatian), other information unknown, investigation is underway; 53. **Celebija Rudo** (Croatian), other information unknown, investigation is underway; 54. **Celebija Pero** (Croatian), other information unknown, investigation is underway;
55. **Zepcan Refik** (Muslim), nickname 'Refo', son of father Ibro, born on 9 August 1937 Kolibe Gornje, Municipality of Brod;
56. **Lukic Tadija** (Croatian), son of father Marko, born on 1 October 1928 in Kricanovo, Aunicipality of Brod;
57. **Lukic Nedeljko** (Croatian), nickname 'Nedo', son of father Tadija, born on 4 march 1951 in Kricanovo, Municipality of Brod;
58. **Mlivic Smajo** (Muslim), son of father Saafet, investigation underway;
59. **Lapan Andrija** (Croatian), other information unknown, investigation underway;
60. **Marinic Pero** Croatian), other information unknown, investigation is underway;
61. **Kovacevic Jakov** (Croatian), son of father Anto, other information unknown, investigation is underway;
62. **Salicin Sulejman** (Muslim), son of father Kasim and mother Begana, born on 13 March 1949 in Sijekovac;
63. Unknown person, know only under nickname '**Mokica**' from Luscani, identification and investigation is underway;
64. **Certain Ivo** from Novo Selo, known under nickname 'Zec', identification and investigation is underway;
65. **Certain Kljajic** brothers from Kricinovo, identification is underway;
66. **Eres Damir** (Croatian), son of father Ziatko, born on 10 December 1972 in Slavonski Brod (Croatia);
67. **Eres Dragan** (Croatian), son of father Zlatko, born on 16 November 1966 in Oriolac, Municipality of Slavonski Brod.

There is a reasonable doubt that the suspects from under ordinal numbers 36. to 67. have committed Criminal acts against the civilian population by participating alongside the other suspects within Croatian-Muslim paramilitary formations in the expulsion and ethnic cleansing of the Serb population, looting and burning of their homes and the imprisonment of the civilian population and taking them for forced labor and forced service in their armed forces, in particular by carrying out alongside the other suspects the executions of the Serb civilian population following the occupation of the Serb settlements of Gornja and Donja Mocila from 26 March to 4 May 1992 so that the following persons lost their lives in the period from the occupation until the liberation of Bosanski Brod on 7 October 1992:

1. **Ceric Mirko**, son of father Nikola and mother Marica, born on 20 August 1926 in D.Mocila, Municipality

of Brod;

2. **Ceric Dusa**, son of father Mirko and mother Mara, born on 27 August 1954 in D. Mocila, Municipality of Brod;
3. **Ceric Jelena**, daughter of father Luka and mother Andja, born on 1 November 1922 in Grk, Municipality in Brod;
4. **Ceric Bosiljka**, daughter of father Sava, born on 12 April 1935 in D.Mocila, Municipality of Brod;
5. **Ceric Bogojub**, son of father Djordje and mother Milica, born on 2 January 1914 in D.Mocila;
6. **Bacic Milka**, daughter of Petar, born on 2 January 1958 in Kostres, Municipality of Derventa;
7. **Bacic Risto**, identification is underway;
8. **Bacic Nedeljko**, son of father Petar, born on 2 February 1955 in Sijekovac;
9. **Ceric Tomislav**, son of father Radivoje from D.Mocilo, other information unknown; 10. **Kusljic Risto**, son of father Nedeljko and mother Nevenka born on 16 August 1936 in D. Mocila;
11. **Kusljic Luka**, son of father Dusan and mother Darinka, born on 28 October 1937 in D.Mocila;
12. **Rudez Ivan**, son of father Mate born on 13 December 1913 in Poljica, Municipality of Vrgorac (Croatia);
13. **Sedlic Novak**, from Sijekovac, identification is underway;
14. **Kusljic Dimitrije**, son of father Ceda, identification is underway;
15. **Tomic Mara**, daughter of father Pejo, born on 23 December 1930 in Sijekovac;
16. **Tomic Petar**, identification and investigation is underway;
17. **Alic Mustafa**, son of father Numan born on 26 April 1938 in Sijekovac;
18. **Kovacevic Mustafa**, son of father Hasan, born on 5 June 1938 in Sijekovac;
19. **Milicic Slobodanka**, daughter of father Nedjo and mother Mara, other information unknown.

The suspects are under reasonable suspicion to have committed the criminal act of war crime and the first ethnic cleansing in Bosnia and Herzegovina that took place on 26 March in Sijekovac small village near city of Bosanski Brod (North Bosnia). They are charged of having killed the civilians, looted the valuables from their homes, setting them on fire or dynamiting them.

In discharging the duties of chairmen of the self-styled 'Crisis Committee' of Bosanski Brod, Mr. **Ivan Brzic** and Mr. **Armin Pohara** helped arm and set up Muslim and Croatian paramilitary units in the territory of the municipality of Bosanski Brod. On 26 March 1992 the two of them planned and commanded a raid against the civilian population of Serb nationality in the village of Sijekovac, the municipality of Bosanski Brod, and for that purpose they invited the suspects Mr. Ante Prkacin and Mr. Rade Obradovic who come over, heading a large group of the HOS members and the regular Army of the Republic of Croatia from Slavonski Brod, city just over the river Sava from Bosanski Brod. The same day the said formation arrived in Sijekovac at about 4 p.m. and in coordination with the paramilitary Ustasha-Muslim unit of the so-called 'Intervention Sqyad if Bosanski Brod' which included also the other suspects, set siege to the village and opened fire at the houses of the villagers of Serb nationality from all weapons. They presented the Serbs hidden in the basements of the houses of the families of Zecevic and Bacic, who unlike all others had not managed to leave the village, an ultimatum at about 4:30 p.m. requesting them to hand over the arms they allegedly possessed and to leave the basements. Following the orders, women **Stojanka Opacic, Marica Radanovic, Nedeljka Vasic, Miladinka Milosevic, Milka Zecevic, Ljubica Zecevic and Jelica Zecevic, children Marinka Opacic, Dragan Milosevic, Sasa Milosevic, Zeljko Milosevic, Goran Zecevic and men Vid Radanovic, Jovo Zecevic, Milan Zecevic, Vaso Zecevic, Petar Zecevic, Luka Milosevic and Sreto Milosevic** left the basement of the house of the Zecevic family. The suspects ordered them to lie down, kicking them and beating them with rifle butts, threatening to rape the women and to kill all men and children cursing their Chetnik mothers. On that occasion, following the physical maltreatment, the suspects fired a number of rifle bursts and individual shots into, and killed **Milan Zecevic, Vaso Zecevic, Petar Zecevic, Mirko Radanovic, Luka Milosevic and children Dragan Milosevic and Zeljko Milosevic**.

The suspect Mr. **Zemir Kovacevic** kicked Jovo Zecevic in his backside as he was leaving his courtyard at Kovacevic's orders so that Jovo Zecevic fell on the asphalt on the street whereupon suspect Kovacevic pulled out a pistol and killed **Jovo Zecevic** from pint blank range.

It is pointed out that the victims offered neither verbal nor physical resistance so that the killings were committed while they were lying on the ground face down.

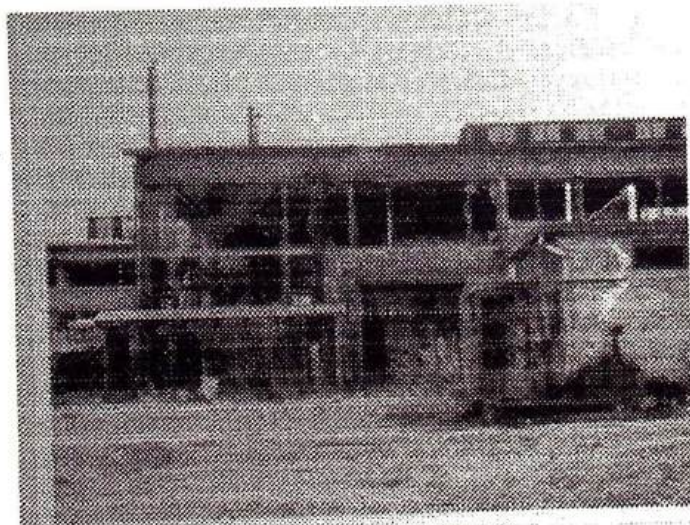
Following this massacre, the suspect killed Sreto Trifunovic in his room, and looted Serb houses in Sijekovac, setting fire to almost all of them (some 50 houses). The few survivors, men, women and children alike, were

led to the building of the elementary school in Sijekovac, where they were imprisoned and detained illegally in inadequate rooms, and maltreated and threatened with slaughter. A few days later Jovo Zivkovic's son Branislav, witness to part of this massacre, and an undertaker from Derventa found the bodies of Branislav's three brothers Vaso, Petar and Milan Zecevic on a meadow in Bosanski Brod between the Hospital Center and Electrical Power Station and brought them to Prnjavor where the Investigating Judge Sava Misic and the Forensic Analyst Dr. Mirko Prodanovic carried an investigation and examined the corpses on 30 March 1992. It has been established that the corpse of Sreto Trifunovic was buried in the 41- courtyard of the house of Jefto Pjanic at Sijekovac, while the burial place of others is unknown. Complete documentation is available for each individual suspect and relevant witness depositions are registered under numbers 298-001, 298-002, 298-003, 298- 01 I and 28/189. During these raids all Serb sacral establishments were looted and demolished and the relevant documentation is kept by the War Crimes Expert Commission of the Republic of Srpska. Also available are the copies of the orders issued by the Croatian Ministry of Defence to its military to invade Bosnia and Herzegovina.

**It is important to note that all document's which contain more than 6000 pages about Croatian aggression on the territory of Bosnia and Herzegovina supported with local Muslim is given to International ad hoc Tribunal for former Yugoslavia.**

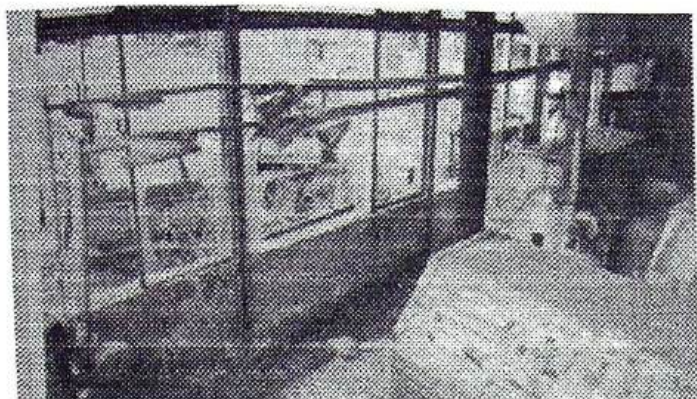
**Until today there is no respond from ICTY, and nobody are accused for the first crimes committed in Bosnia. Showing the fact who start the War in Bosnia many things will be different and today we can conclude why USA, Germany and other Western countries covered true.**

## ● PHOTO DOCUMENTATION

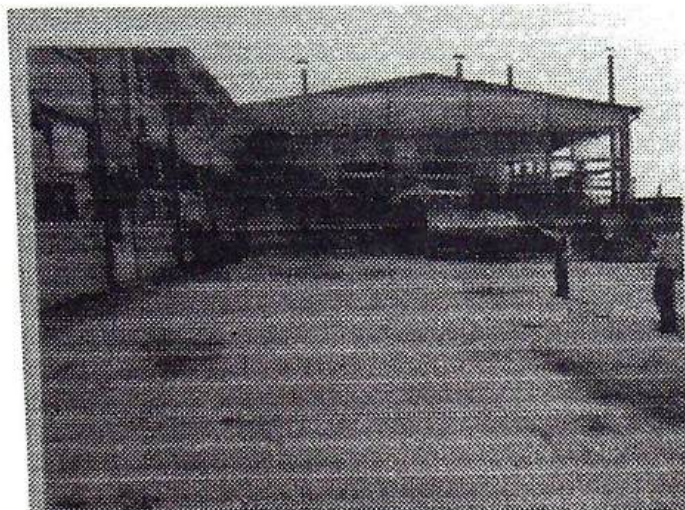


Picture 1. village Bosanski Klakar, Municipality of Bosanski Brod (Bosnia and Herzegovina). On 10 September 1991, 67 granates were fired from Slavonki Klakar (Croatia). Two granates hit the factory (shown on pictures) while the people worked. One person was killed during this attack.



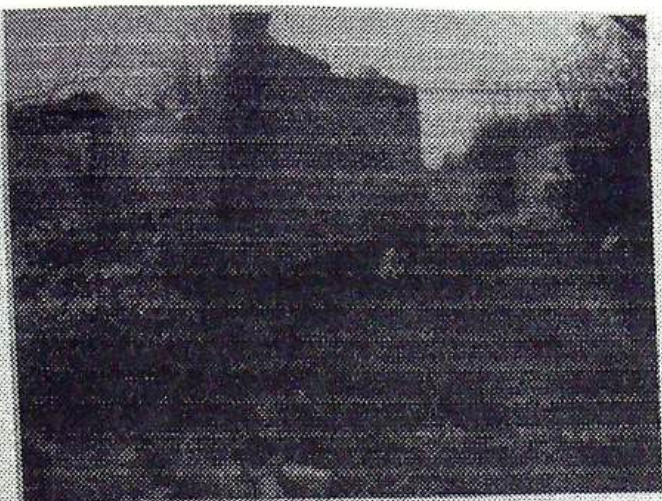


Picture 2. Place where one of granates fell.

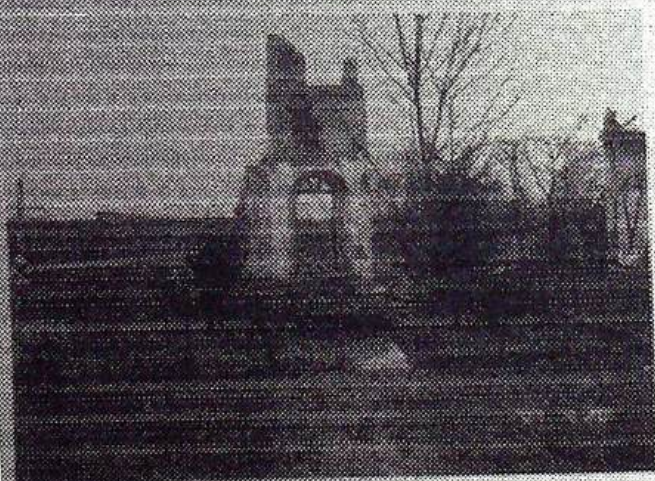


Pictures 3. and 4. Mr. Djuro, who works as a keeper in factory (where he worked in 1991 - 2000), shows the place where Mr. Vojko Guranovic was killed while at his work. Mr. Guranovic is the first victim of Croatian aggression on Bosnia and Herzegovina, as well as the first victim in Bosnia and Herzegovina.





Picture 11. Mr. Janko Radanovic was shot at the back side of his house, which was later looted and dynamited to the ground.

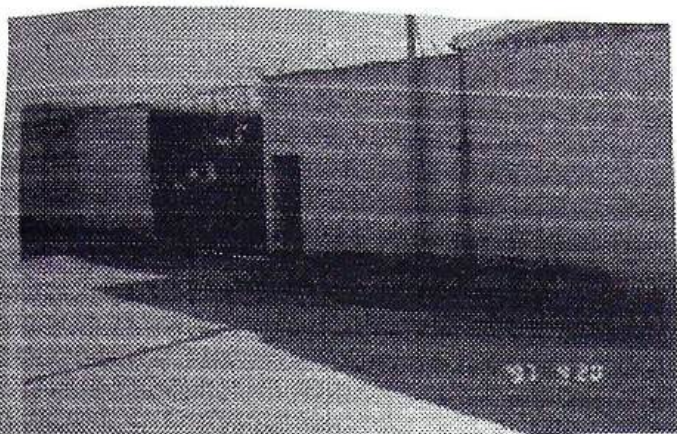


Picture 12. Church 'Cajupina Marie' in Sijekovac, that was burnt to ground and exploded on 28 March 1992.

The first camps established in Bosnia and Herzegovina were for Serbs. Following the picture of these camps.



Picture 13. Camp Furbasli station in Bosanski Brod (Bosnia and Herzegovina).



Picture 20. Camp in Tulek, Suburb of Bosanski Brod.

**van holst en steijnen**

**From:** Despotovic Ruza <despot@wishmail.net>  
**To:** Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>; Ksenija Sigulinski <sigu@worldonline.nl>  
**Sent:** woensdag 31 januari 2001 15:19  
**Subject:** Fw: Ustase

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

From: "SSICC" <ssicc@planet.nl>  
 To: "Mrs. Jela Jovanovic" <nerajov@EUnet.yu>; <office@globalreflexion.org>;  
 <106057.1021@compuserve.com>; <Joveljic.Nebojsa.N@bhp.com>;  
 <yuambanl@bart.nl>; <belininkovic@ptt.yu>; <vaskoa@cunet.yu>;  
 <despot@wishmail.net>  
 Sent: Wednesday, January 31, 2001 9:45 PM  
 Subject: Ustase

>  
 > Copyright 2001 Newspaper Publishing  
 > The Independent (London)  
 >  
 > January 30, 2001, Tuesday  
 >  
 > SECTION: COMMENT; Pg. 2  
 > LENGTH: 219 words  
 > HEADLINE: LETTER: SERBIAN GENOCIDE  
 > BYLINE: Dr Michael Pravica  
 >  
 > BODY:  
 >  
 > Sir: As a Serbian-American who lost over 68  
 > relatives due to the Croatian Ustashe holocaust of  
 > Serbs during the Second World War, I agree that it is  
 > absolutely vital to remember the victims of all  
 > genocides ("Why we should remember the victims of all  
 > genocides", January 27). Tragically, as pointed out by  
 > the author, genocides are often condoned by allied  
 > governments and their quislings due to political  
 > convenience.  
 > Similarly, genocides are completely ignored. When  
 > individuals (myself included) would endeavour to  
 > discuss the genocide of the Serbs 50 years ago either  
 > for remembrance purposes or for offering insight  
 > into the brutality of ethnic animosities in the  
 > Balkans, political pundits, government officials and  
 > others would frequently dismiss this genocide (which  
 > was judged as such at Nuremberg) as irrelevant - it  
 > was ancient history.  
 > Serbs were second only to the Jews in the  
 > proportion of their slaughter during the War. Why is  
 > this fact so censored?  
 > Genocide will continue in the 21st century as long  
 > as human beings shamefully continue to entertain their  
 > ignorant fantasies of racial superiority and the  
 > insignificance of groups of human beings, and their  
 > acceptance that issues of politics always override  
 > issues of morality.  
 >  
 > Dr MICHAEL PRAVICA  
 > Las Vegas, Nevada, USA  
 >  
 > LOAD-DATE: January 30, 2001  
 >  
 >

26 okt '96

Vrijdag 25 okt 1996 Wladimir. Als deze  
wilde geluise met een antinoshend, was Tatje zeer  
verontschuld ~~was~~ moord op 30 mensen op grond  
van het deel in de aanklacht. Dat lichte dat  
hy dan zou zijn verontschuld voor de moord op 30  
haren en moordelye en velen verhuizing in zeer  
12 vrouwen.

"De raad van de adel is, omdat dit impliceert  
dat het landbouw wordt gebruikt in een propagandacamp  
van Bernie", aldus Wladimir.

Steeds wordt gezegd dat het de aanklagers genest  
zijn die onzelf hebbende vertelt met een wilde geluise  
te doe te hebbende. Maar het is de aanklagers genest  
die daarom de laatste heeft uitgezonden.  
Aldus Wladimir zelfs op TV zei:  
"Ik heb verwoord te zijn. Het is een aanklacht  
te stande dat Tatje een vrouw is die verduidelijkt  
Tatje ongelukkig op. De wilde aanklacht  
verontschuld."

## van holst en steijnen

**From:** Despotovic Ruza <despot@wishmail.net>  
**To:** Globalreflexion <office@globalreflexion.org>; Hans Hupkes <hans.hupkes@planet.nl>; Ksenija Sigulinski <sigu@worldonline.nl>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>  
**Sent:** dinsdag 23 januari 2001 13:28  
**Attach:** print;dir=;kw=;pos=right1;sz=105x60;tile=3;ord=.dat;  
 asection;dir=;kw=;pos=left1;sz=120x90;tile=4;ord=.dat; news;tile=shopboxtop;sz=130x119.dat;  
 news;tile=shopboxbottom;sz=130x31.dat; asection;dir=;kw=;pos=right4;sz=120x90;tile=8;ord=.dat  
**Subject:** Kostunica Faces Test Over Extradition of Serbs for War Crimes (washingtontest.c)


[Home](#) | [Register](#)

Web Search:



### Kostunica Faces Test Over Extradition of Serbs for War Crimes Yugoslav Leader to Meet With Prosecutor

By R. Jeffrey Smith  
 Washington Post Foreign Service  
 Sunday, January 21, 2001; Page A33

[E-Mail This Article](#)
[Printer-Friendly Version](#)

ROME, Jan. 20 -- The chief U.N. prosecutor for war crimes in the former Yugoslavia said she plans to bring the country's new leader a small gift when she makes her first visit to Belgrade on Tuesday. But it's not a present that President Vojislav Kostunica wants, and it could cause him no end of political trouble.

Carla Del Ponte, a former Swiss judicial investigator, said she will hand Kostunica a partial list of the tribunal's secret indictments for crimes committed during the 1992-1995 Bosnian war. At the top of the list is a Serb who she said lives openly in Yugoslavia.

Del Ponte said in an interview that delivering the list will be an "act of trust" and that she expected Kostunica to arrange for the arrest and extradition of the man, plus at least three other Serbs and Bosnian Serbs whose whereabouts in Yugoslavia are known to the government. Del Ponte did not reveal their names but indicated none is as important as former president Slobodan Milosevic and the handful of former top officials who were indicted last year.

Del Ponte said the demands amounted to a test of the new Yugoslav government's willingness to fulfill its legal obligations and keep its recent promise to cooperate with the International Criminal Tribunal for the Former Yugoslavia, which is based in The Hague.

Kostunica has frequently disparaged the tribunal's work and wavered publicly about whether to meet Del Ponte. After first insisting he could not spare any time, Kostunica finally agreed to see her, but only, he said, to challenge the tribunal's practice of issuing secret indictments and to reiterate complaints that the tribunal is a tool of Western governments and is biased against Serbs.

Kostunica has repeatedly said he wants to focus on such other pressing political matters as stopping a recent drift toward political independence by Montenegro, the smaller of the two republics that make up Yugoslavia. Although other top Yugoslav officials have expressed more support for the tribunal, Kostunica pledged in last year's election campaign not to extradite any Serbs to The Hague.

Del Ponte obtained Yugoslavia's approval for her visit by lobbying Western governments, which have leverage over the new government in Belgrade because the country is nearly bankrupt and needs financial aid.

A lot is riding on how well her three-day encounter goes: President Bush must certify by April 1 that Yugoslavia is cooperating with the tribunal, or else Congress could withhold several hundred million dollars in promised aid and Washington could veto Yugoslavia's plan to join the World Bank. No other foreign donor has imposed such a stiff requirement.

News Home Page  
 Print Edition  
 Front Page  
 Front Page Image  
 \*Inside the A Section  
 Nation and Politics  
 Editorials  
 World  
 Business  
 Metro  
 Sports  
 Style  
 Previous Editions  
 Sunday Sections  
 Communities  
 Weekly Sections  
 Subscription Form  
 Nation  
 World  
 Metro  
 Business  
 Washtech  
 Sports  
 Style  
 Education  
 Travel  
 Health  
 Home & Garden  
 Opinion  
 Weather  
 Weekly Sections  
 News Digest  
 Classifieds  
 Archives  
 Site Index  
 Help

Partner:  
[BRITANNICA.COM](#)

**Shopping**  
**\$25.00**  
 Toast with  
 a romantic  
 duet!  
 write.com  
 Sen  
 hallmark free

#### Search

News  
 Post Archives  
 Advanced Se

#### Related Link

Full Europe Cove  
 Latest World New

From Britannic  
 Newlinkset.hear  
 Yugoslavia's Tur  
 Point



Congress left the new administration some leeway by avoiding a precise definition of "cooperation" in the law passed last year. Kostunica's aides have said they hope to meet the test simply by allowing Del Ponte to open a tribunal office in Belgrade during her visit. She has promised to use the office to investigate not just Serbs but also ethnic Albanians accused of war crimes during 1998 and 1999 fighting in Kosovo.

But the extradition issue lies at the heart of the controversy over the new government's obligations. Kostunica told a local newspaper recently that "any talk about extraditions is not legally founded" under the country's constitution, which he says bars trials by foreign courts. But none of Yugoslavia's allies agree; even Russia has said only that it dislikes the court, not that the Yugoslav view is correct.

Yugoslav Foreign Minister Goran Svilanovic lobbied the Clinton administration in December to allow war crimes trials to take place in Serbia. But the State Department this month reiterated the U.S. position that all trials must occur at The Hague.

Del Ponte said that trials in Yugoslavia for those indicted by the tribunal were "not possible under the statute we have now," which was approved by the Security Council in the early 1990s. "I don't think we should make an exclusion for Milosevic" or other Serbs, she said. The ethnic Croat and Muslim defendants now in The Hague's jails would have a legitimate complaint if an exception was made, because there would not be "the same justice for all."

Del Ponte said she was willing to agree that certain court proceedings connected with a tribunal trial could be held in Belgrade if witnesses could not travel to The Hague. The tribunal adopted this policy for some war crimes defendants from Rwanda, she said.

But Del Ponte ruled out any agreement to let Serbian defendants stay in Yugoslavia, noting that no other country would comply with the U.N. demands if such an exception were made.

© 2001 The Washington Post Company

The George Washington University [SKILLS FOR THE 21ST CENTURY WORLD]  
 Learning • Appraisal Studies • Communications • Legal Assistant

wp2.washingtonpost.com

Home | Register

Web Search:

GO b1

Education Entertainment Business Technology Sports Community