

1CTY

2-2

TRIB STAGING

NK ART 6

DOCUMENT

I

Kroatië vervolgde moslims

DEN HAAG — De honderden slachtoffers die etnische Kroaten met name in 1993 maakten onder Bosnische moslims, zijn het gevolg van een „politiek plan dat is ontwikkeld in de paleizen van de macht in Zagreb, Kroatië”. Dit zei aanklager Gregory Kehoe gisterenochtend tijdens zijn slotpleidooi tegen de Kroatische generaal Blaskic voor het Joegoslavië-Tribunaal.

Betrokkenheid van de regering in Zagreb bij oorlogsmisdaden tegen Bosnische moslims is al eerder gesuggereerd. Kehoes betoog kwam aan het eind van een proces dat meer dan twee jaar heeft geduurd.

Het requisitoir van Kehoe leek op bepaalde momenten meer gericht tegen president Tudjman van Kroatië dan tegen verdachte Blaskic. De commandant van Bosnisch-Kroatische milities in Centraal-Bosnië, was volgens Kehoe uitvoerder van een plan dat Tudjman al jarenlang koesterde: de oprichting van een Groot-Kroatië dat grote delen van Bosnië moest omvatten. Om die droom te verwezenlijken, moest dat gebied worden 'gezuiverd' van moslims.

In de zaak-Blaskic zijn sinds juni 1997 zo'n 150 getuigen gehoord, onder wie mensen in „hoge posities”. Publiek en pers werden geregeld op de meest interessante momenten van het proces weggestuurd. Achter gesloten deuren hebben (ex-)generaals, (ex-)ministers en Stipe Mesic, de laatste president van het uiteenvallende ex-Joegoslavië, getuigenissen afgelegd.

Als de rechters de argumentatie van de aanklager volgen, komt een aanklacht tegen Tudjman wegens misdaden tegen de menselijkheid een stapje dichterbij. Over die mogelijkheid heerst in Kroatië al maandenlang grote onrust. Daarom was er gisteren dan ook veel aandacht voor het proces van Kroatische diplomaten en journalisten.

Blaskic is aangeklaagd voor onder meer de slachting in Ahmici, waar in april 1993 Kroaten meer dan honderd moslim-dorpelingen hebben vermoord. De slotpleidooien van aanklager en verdediging duren naar verwachting de hele week. (ANP)

van holst en steijnen

From: Despotovic Ruza <despot@wishmail.net>
 To: <michel.collon@skynet.be>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>
 Sent: zaterdag 24 maart 2001 13:31
 Subject: Yahoo! Groups sorabia Messages Message 12214 of 13691.htm

YAHOO! Groups

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

iwin.com
 The place to win stuff

**We give away
 \$1,000 a day**

[iWin.com - The Place to Win Stuff](#)

Welcome, Guest
 sorabia

[Register](#) - [Sign In](#)

[[Join This Group!](#)]



Messages

[Messages Help](#)

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

[Search Archive](#)

Message 12214 of 13691 | [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

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

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

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 IARCIN SMO 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)

Goldstone's politicking was second only to the din of drum-beating in 1994 by 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 cliche to cliche." (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 leaders. (57) But within thirty days, Karadzic was branded officially as a

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.

- 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.

juli 2000



Voor het portret van de Italiaanse maffiajager Falcone op het bureau van openbaar aanklaagster Carla del Ponte staat een kaarsje. Soms steekt ze dat aan.

Vijf jaar geleden viel de moslimenclave Srebrenica. Dit voorjaar begon het Joegoslavië-tribunaal in Den Haag met het Srebrenica-proces. Belangrijkste aanwezige verdachte: generaal Radislav Krstić.

Na scepsis bij de oprichting heeft het tribunaal de laatste jaren aan gezag gewonnen.

Wie zijn de mensen die het tribunaal gestalte geven? Hoe succesvol is hun werk?

Portret van een VN-instelling met volkerenmoord in haar portefeuille.

De Stem van het Tribunaal

Door Cees Banning en Petra de Koning – Fotografie Ilse Frech

Een getuige, een moslim uit Srebrenica, vertelt. Over een lichaam dat hij zag op 13 juli 1995. Handsen, voeten en oren waren afgehakt, de ogen uitgestoken. Het was het lichaam van een man. En de man, zegt de getuige, leefde nog. De Servische generaal Radislav Krstić zweet, hij verbergt zijn hoofd achter trillende handen. De rechter denkt: 'De verdachte heeft het moeilijk met dit verhaal.' De advocaat weet dat dat niet waar is. 'De generaal', zal hij later vertellen, 'heeft pijn in zijn been.'

Zijn bijnaam is *Sepo*, de kreupele. Radislav Krstić verloor een been in de oorlog in Bosnië. Hij was commandant van de Bosnisch-Servische eenheid die in de zomer van 1995 Srebrenica veroverde, het 'veilige gebied' dat zou worden beschermd door



Nederlandse VN-militairen.

Bij zijn arrestatie door SFOR, op 2 december 1998, raakte zijn kunstbeen beschadigd. Nederlandse specialisten maakten een nieuwe prothese voor hem, maar die zat niet lekker. De tweede was ook geen succes, en zelfs het derde been paste Krstić niet. Toen werd een Servische instrumentmaker uit Banja Luka, hoofdstad van de Servische Republiek in Bosnië, naar Scheveningen gehaald. Die

Serviër maakte, vertelt Krstić' advocaat, een goed kunstbeen voor de generaal.

Maar dit voorjaar, kort na het begin van zijn rechtszaak in Den Haag, kreeg de generaal een infectie aan de stomp. Een operatie hielp niet, Krstić heeft pijn.

Radislav Krstić (52), de tweede man na legerleider Ratko Mladić, is tot nu toe de hoogste Bosnisch-Servische militair die door het Joegoslavië-tribunaal wordt berecht. De aanklacht tegen hem luidt: genocide, medeplichtigheid aan genocide, massamoord, moord. Tienduizenden moslims werden in juli 1995 uit Srebrenica gedeporteerd, zo'n zeventienduizend van hen werden geëxecuteerd.

Krstić zou speciale eenheden hebben samengesteld voor het vuile werk. Onder

De openbaar aanklaagster: 'Ik heb geen privé'

In september 1999 werd de Zwitserse Carla del Ponte de nieuwe openbare aanklaagster van het Joegoslavië-tribunaal. Zij maakte in de jaren tachtig naam als maffiajager. In 1989 ontsnapte ze op Sicilië ternauwernood aan een bomaanslag, bij een bezoek aan haar vriend en grote voorbeeld, de Italiaanse

rechter Giovanni Falcone.

In 1994 werd Del Ponte hoofdofficier van Justitie in Zwitserland. Ze kreeg onmiddellijk problemen met de familie van de Mexicaanse president De Gortari, de Russische president Jeltsin en de Pakistaanse premier Bhutto.

Del Ponte (53) studeerde rechten in Bern, Genève en Groot-Brittannië. Ze is aanklaagster van beroep en uit passie.

Zij oogst bewondering maar ook kritiek met haar agressieve aanpak. Ze handelt alsof we nog in de tijd van de inquisitie leven, zeggen critici.

Del Ponte heeft een appartement in Den Haag, ze wordt bewaakt door zes bodyguards. De aanklaagster werkt, zegt ze zelf, 24 uur per dag. 'Ik heb geen privé.' Ze heeft één zoon, 22 jaar. Hobby's heeft ze niet, alleen 'een beetje' skiën. Ze is

gescheiden. Haar ex-man is rechter. 'Hij vond dat ik het recht meer aandacht gaf dan hem. En dat is waar. Ik houd van hard werken.'

Op haar bureau staat in een zilveren lijstje een foto met twee rechters. 'Giovanni Falcone e Paolo Borsellino: morto.' Voor de foto staat een klein glazen potje met een geel kaarsje. 'Af en toe steek ik het kaarsje aan', fluistert Del Ponte. 'Mijn helden.'

zijn leiding zou ook zijn geprobeerd bewijzen van het bloedbad te vernietigen. In de maanden na de val van de enclave werden massagraven geopend, soldaten brachten lijken over naar andere graven, ver weg in de bossen en bergen van Oost-Bosnië – dat vertelden getuigen, en het was te zien op satellietfoto's van de Amerikaanse inlichtingendienst.

Vijf dagen na zijn arrestatie zei Krstić tegen de rechter dat hij onschuldig was. En hij klaagde. De generaal was uitgeput, hij had therapie nodig voor zijn been, en de verwarming in zijn cel deed het al drie dagen niet.

Triomf van het kwaad

Op 13 maart van dit jaar staat de Amerikaanse aanklager Mark Harmon in courtroom I in het Joegoslavië-tribunaal aan het Churchillplein in Den Haag. Het is de eerste dag van het proces tegen Krstić. In Srebrenica, zegt hij, 'triomfeerde het kwaad'. Zijn eerste getuige is een Franse politie-man die vanaf 1995 het onderzoek leidt naar de misdaden van Srebrenica. Op een schildersezel in de zaal staat een enorme plattegrond van

Oost-Bosnië. De Fransman wijst dorpen, wegen en huizen aan. Hij laat ook foto's zien. Aan het eind van de middag is hij nog niet op de helft van zijn betoog.

'Kunt u een beetje opschieten?' vraagt de rechter de volgende ochtend aan de aanklager. 'We weten nu wel waar Srebrenica ligt.'

Dolgelukkig was Louise Arbour, tot halverwege vorig jaar hoofdaanklaagster van het tribunaal, met de arrestatie van de generaal. Krstić was nog in actieve dienst, hij had het bevel over het vijfde legerkorps in de Servische Republiek en was lid van het comité dat het vertrouwen moest bevorderen tussen de eenheden van Kroaten, moslims en Serviërs in Bosnië.

De generaal stond op een geheime lijst van verdachten. Die lijst was Arbours idee. Toen de Canadese in 1996 aantrad, dreigde het tribunaal een mislukking te worden. In het cellenblok van de Scheveningse gevangenis zaten maar weinig arrestanten en de verdachten waren laag in rang. Daar kwam nog bij dat de processen zich ook nog eens tergend langzaam voortsleepten. Arbour

schrok van de gelaten stemming in Den Haag. Het tribunaal had geen eigen politiemacht, en de militairen van SFOR, de internationale vredesmacht voor Bosnië, waren volgens oud-griffier van het tribunaal Theo van Boven nog niet eens bereid in het gebied 'een enveloppe te bezorgen'. Er was ook te weinig geld voor grondig onderzoek. De medewerkers voelden zich machteloos.

Arbour liet het er niet bij zitten, vertelde ze drie weken geleden, op doorreis in Den Haag. 'Het tribunaal is een creatie van de VN-veiligheidsraad, de krachtigste en invloedrijkste factor op deze planeet.' De aanklaagster reisde langs hoofdsteden van landen die troepen leveren aan SFOR. Er moest gearresteerd worden en er moest geld komen. Arbour maakte ook ruzie, met Frankrijk bijvoorbeeld. Ze vond dat de Fransen het tribunaal tegenwerkten.

Arbour werd een pitbull genoemd, maar ze had succes. Haar lijst bleek een vondst. Er werden meer – en belangrijke – verdachten gearresteerd, en zelfs de Fransen deden mee. In Scheveningen werden extra cellen

Korte geschiedenis

Na de Tweede Wereldoorlog werden voor het eerst misdadigers berecht door een internationaal strafhof. De belangrijkste politieke en militaire leiders van Duitsland en Japan stonden terecht voor tribunaal in Neurenberg en Tokio. Ze werden veroordeeld wegens misdrijven tegen de vrede,

misdaden tegen de menselijkheid en schendingen van het oorlogsrecht.

Het idee was niet nieuw. Het Verdrag van Versailles (1919) bood al de mogelijkheid om een tribunaal op te richten. Rechters uit de Verenigde Staten, Groot-Brittannië, Frankrijk, Italië en Japan kregen het recht een oor-

deel te vellen over de Duitse keizer Willem II. Maar zo'n tribunaal kwam er niet.

Plannen voor een permanent internationaal strafhof liepen in de jaren vijftig wegens de Koude Oorlog vast. Na de val van de Berlijnse muur in 1989 onderzocht een groep van onafhankelijke juristen, de Internationale Commissie voor Internationaal Recht, in opdracht van de VN wat de statuten voor zo'n tribunaal zouden moeten zijn. Europese ministers probeerden in 1991 de Iraakse leider Saddam Hussein berecht te krijgen voor de massamoord op Koerden in Noord-Irak. Er werden toezeggingen gedaan, maar een Irak-tribunaal kwam er niet.

Begin 1993 werd op initiatief van de VN-veiligheidsraad het Joegoslavië-tribunaal opgericht, voor de berechting van oorlogsmisdadigers vanaf 1991 in het vroegere Joegoslavië.

In november 1993 begon het tribunaal te werken. De eerste

maanden op halve kracht, omdat er nog geen aanklager was gevonden. Onder druk van VN-secretaris-generaal Boutros Ghali 'leende' de Zuid-Afrikaanse president Nelson Mandela uiteindelijk zijn rechter Richard Goldstone uit aan het tribunaal. Maar twee jaar later keerde Goldstone terug naar Zuid-Afrika om toe te treden tot het Constitutionele Hof. Hij werd opgevolgd door de Canadese Louise Arbour. Sinds september vorig jaar is de Zwitserse Carla del Ponte hoofdaanklaagster.

Naar aanleiding van de gruwelen van mei 1994 in Rwanda besloot de Veiligheidsraad tot oprichting van een tribunaal voor Rwanda. Het tribunaal zetelt in Arusha (Tanzania), het heeft dezelfde beroepskamer en openbare aanklager als het Joegoslavië-tribunaal.

Anders dan Neurenberg en Tokio, zijn deze twee tribuna-



De 21 beklaagden (o.m. Hermann Goering, Rudolf Hess, Albert Speer, Julius Streicher) voor het Neurenberg-tribunaal, kort voor het uitspreken van het vonnis op 10 oktober 1946. Foto AP

gehoord, er kwamen twee rechtszalen bij (betaald door de Verenigde Staten, Groot-Brittannië en Nederland), er werden meer forensische experts aangenomen om bewijsmateriaal te zoeken in massagraven.

En nu, vijf jaar na de slachting onder moslims in Srebrenica, staat eindelijk een van de hoofdverantwoordelijken terecht.

Misdaden blijven niet onbestraft

VN-medewerkers, hoogleraren en mensenrechtenactivisten doen nu, na het moeizame begin, graag enthousiast over het Joegoslavië-tribunaal. Ze zijn ervan overtuigd dat het afschrikt, zeggen ze. Regeringsleiders en hoge militairen weten nu dat misdaden in een oorlog niet onbestraft blijven. En, zegt hoogleraar internationaal strafrecht Gerard Strijards: 'Er worden *landmarks* geslagen in het internationale recht.'

Het tribunaal heeft nieuwe jurisprudentie opgeleverd over de 'bevelsverantwoordelijkheid': een commandant kan nu worden veroordeeld voor daden van ondergeschikten. En het begrip 'schuld' heeft een bredere

interpretatie gekregen. Ook iets achterwege laten kan iemand schuldig maken, bijvoorbeeld niet ingrijpen wanneer er in je buurt mensen worden gemarteld of vrouwen worden verkracht. In de zaak-Pinochet, over het opheffen van immuniteit bij personen in officiële posities, beriep het Britse *House of Lords* zich niet alleen op de beginselen van Neurenberg, maar ook op die van het Joegoslavië-tribunaal.

En zonder het tribunaal, zegt hoogleraar Strijards, was het internationale strafhof er nooit gekomen. Dat hof, dat ook in Den Haag wordt gevestigd, zal geen ad hoc-instelling zijn voor een beperkt gebied, maar een permanent instituut voor conflicten in de hele wereld.

Maar hoe succesvol is het Joegoslavië-tribunaal nu werkelijk? Hoe rechtvaardig? Wat zouden mensenrechtenorganisaties ervan zeggen als ergens verdachten twee of drie jaar in voorarrest zitten, zoals bij het tribunaal gebeurt? En waarom staat er in het statuut niks over de positie van de verdediging?

De belangrijkste verdachten – de Bosnisch-Servische leider Radovan Karadžić, opperbevelhebber Ratko Mladić en de Joegoslavische president Slobodan Milošević – lopen nog steeds vrij rond. Rechters en aanklagers weten dat het uiteindelijke succes van het tribunaal zal afhangen van hun arrestaties. 'We gaan nog vijf of zes jaar door', zegt de Zwitserse hoofdaanklagster Carla del Ponte, die Louise Arbour opvolgde, in haar werkkamer in het tribunaal. 'Dan is het momentum voorbij.'

De kat voor het muizenhol

'Justice is a woman', zei Kofi Annan, secretaris-generaal van de Verenigde Naties toen hij in september vorig jaar Carla del Ponte voorstelde als nieuwe openbaar aanklagster van het Joegoslavië-tribunaal. Del Ponte is aanklager van professie en uit passie en maakte in de jaren tachtig naam als maffiaaagster. In 1989 ontsnapte ze op Sicilië ternauwernood aan een bomaanslag, tijdens een bezoek aan haar vriend, de Italiaanse rechter Giovanni Falcone. De moord op hem is een drijfveer voor haar

len geen rechtbanken van overwinnaars. Ze zijn opgericht door de wereldgemeenschap. Omdat het Joegoslavië- en Rwanda-tribunaal zijn ingesteld door de VN, zijn alle VN-lidstaten verplicht met de tribunaal samen te werken. Staten zijn bijvoorbeeld verplicht om verdachten uit te leveren.

Maar waarom wel een tribunaal voor Joegoslavië en Rwanda, en niet voor Irak (Koeweit), Rusland (Tsjetsjenië) en Indonesië (Timor)? Op 17 juli 1998 werd het statuut voor een permanent strafhof, dat ook in Den Haag zal worden gevestigd, vastgelegd door de VN. Na ratificatie van het statuut door de VN-lidstaten kan het hof naar verwachting binnen een paar jaar aan het werk gaan. Den Haag zoekt een locatie.

Het Joegoslavië-tribunaal aan het Churchillplein in Den Haag bestaat uit drie streng gescheiden secties: het bureau van de aanklager, de rechters en de griffie. Er zijn drie rechtszalen (met drie rechters voor iedere zaal) en een beroepskamer (vijf

rechters). De rechters – in totaal veertien – zijn gekozen door de Algemene Vergadering van de VN. De aanklager wordt benoemd door de Veiligheidsraad op voordracht van de secretaris-generaal van de VN. De griffier wordt benoemd door de secretaris-generaal. Sinds februari 1995 wordt deze laatste functie bekleed door de Nederlandse Dorothee de Sampayo Garrido-Nijgh.

In totaal werken er ruim 910 mensen uit 71 verschillende landen. Werken bij een VN-organisatie is gunstig, de salarissen zijn relatief hoog en er zijn veel fiscale voordelen. Nieuwe medewerkers leren al op de tweede dag van hun introductiecursus hoe ze belastingvrij een auto kunnen kopen.

Het budget van het tribunaal is gestegen van 600.000 gulden in 1993 tot 220 miljoen gulden in 2000. Daarnaast draagt Nederland per jaar zo'n 5 miljoen gulden bij aan cellen, beveiliging en vervoer van de verdachten.

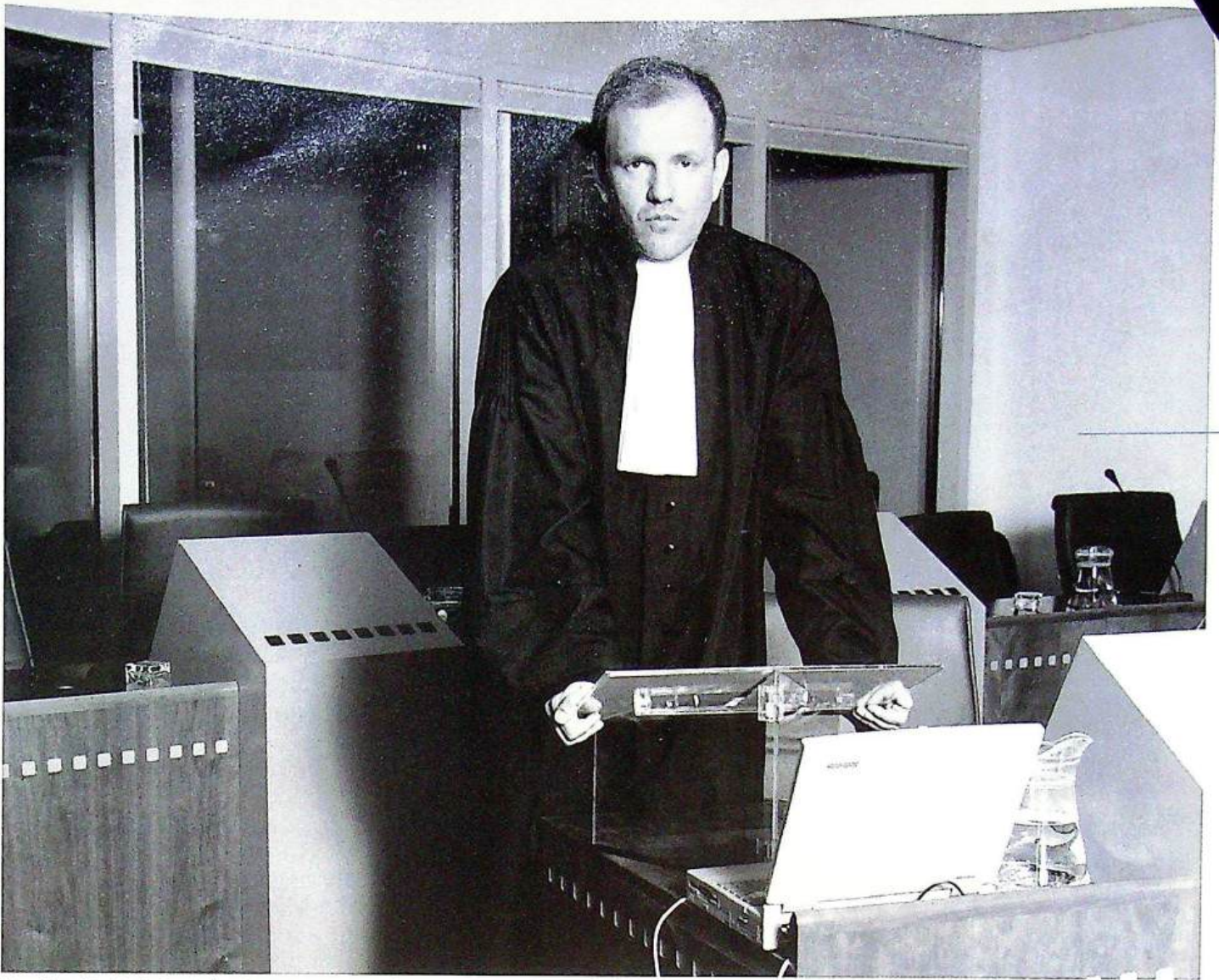
- Aantal verdachten in Scheveningse gevangenis: 35
- Aantal aangeklaagden sinds 1993: 94
- Overdracht aan tribunaal door middel van: arrestatie door nationale politie (9); vrijwillig (12); internationale strijdkrachten (19)
- Bekentenissen: 2
- Beklaagden tegen wie de procedure loopt: 40
- Rechtelijke uitspraken: in beroep (3); voor de rechter (13);

- veroordeeld (2)
- Aanklachten: schending Geneefse conventie (37); oorlogsmisdrijven (65); genocide (9); misdrijven tegen de menselijkheid (58); seksuele misdrijven (19)

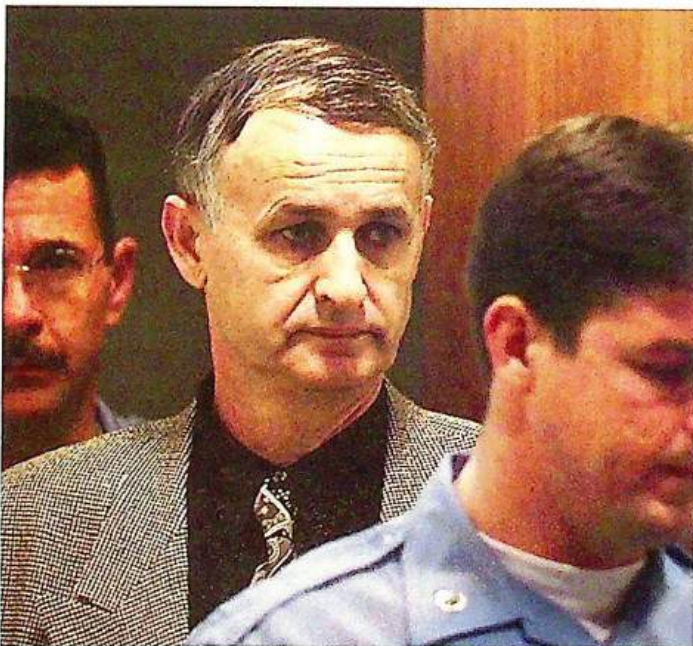
Het internetadres van het Joegoslavië tribunaal (International Criminal Tribunal for the former Yugoslavia) is: <http://www.un.org/icty/>



De beklaagden van het Tokio-tribunaal dat van mei 1946 tot november 1948 zitting had.



Tomislav Visnjić, de Servische advocaat van generaal Krstić



Generaal Radislav Krstić, de hoogste in rang die tot op heden voor het Joegoslavië-tribunaal is voorgeleid. Foto Jerry Lampen/Reuters



De zittingen van het tribunaal zijn in het gebouw via monitors te volgen

De advocaat:
'Politiek is voor sukkels'

Iedere zondagmiddag zit de Servische advocaat Tomislav Visnjić (40) op de tribune van renbaan Duindigt in Wassenaar. Dat is, zegt hij, de enige ontspanning die hij zichzelf toestaat. Visnjić, advocaat van de Bosnisch-Servische generaal Radislav Krstić, heeft een flat in Scheveningen. In Belgrado heeft hij een vrouw, een kind en drie renpaarden.

Visnjić komt uit het stadje Velika Plana, zo'n honderd

kilometer ten zuidoosten van Belgrado. Zijn vader, tandarts, was nooit lid van de communistische partij van Joegoslavië. Tomislav huilde niet toen de Joegoslavische leider Tito stierf, in het voorjaar van 1980. 'Ik maakte me alleen maar zorgen.' Hij hoopte dat Joegoslavië bij elkaar bleef. Politiek interesseerde de rechtenstudent niet. Sport wel. Hij vond het doodzonde dat het Joegoslavische basketbalteam uiteen viel, en het voetbalelftal.

In 1985 zat hij in dienst, hij was ingedeeld bij een eenheid in

Tuzla, Bosnië. Vriendelijke mensen woonden er, vond hij. 'Moslims en Serviërs waren gek op ons, soldaten. We kregen drank aangeboden in het café. Ze namen ons mee in hun auto's.'

Visnjić werd advocaat omdat hij 'onafhankelijk' wilde zijn. Hij wilde zo weinig mogelijk met de overheid en instituties te maken hebben. 'Sukkels houden zich bezig met politiek, slimme mensen zoeken een echte baan.'

In Belgrado heeft hij vooral buitenlandse cliënten, onderne-

mers. Hij verdient er goed mee, zegt hij. Waarom hij naar Den Haag kwam, wil hij niet zeggen. Hij is bang dat een opmerking daarover tegen hem gebruikt kan worden. Nee, dat wil hij ook niet uitleggen. Hij vindt het werk in Den Haag 'interessant': 'We bouwen met z'n allen wat op, het is nieuw.'

Visnjić was ook advocaat van de Bosnisch-Servische verdachte Miroslav Tadić. Het is heel moeilijk om getuigen naar Den Haag te halen, zegt Visnjić. 'Ze maken deel uit van het militaire apparaat.'

strijd tegen het Kwaad. 'Falcone heeft me gevormd', zegt ze. 'We hebben vijftien jaar samengewerkt. Hij was de belichaming van hardnekkigheid. Geef nooit op!'

Haar ambitie? Ze wijst naar een geplastificeerd opsporingsbevel van het Amerikaanse State Department, dat in haar werkkamer hangt. Er staan drie foto's op. *Wanted: Slobodan Milošević, Radovan Karadžić, Ratko Mladić. Reward up to \$5 million.* 'Dat is mijn ambitie, mijn inspiratie, mijn motivatie.' Hoe groot acht ze de kans dat ze worden gearresteerd? Del Ponte kijkt vastberaden. 'Die kans', zegt ze, 'wordt iedere week groter. Het is wachten op een goede mogelijkheid. Ik ben een kat en ik zit voor een muizenhol. Eens komen ze eruit. Dan sla ik toe.'

Het is woensdag 29 maart. Getuige F, een anonieme Dutchbat militair, vertelt in de rechtszaal over de aanval van Bosnisch-Servische troepen op Srebrenica. F zag Serviërs in zwarte uniformen. Ze waren, zegt hij, gedisciplineerd, goed getraind. Van een andere kant kwamen soldaten in groene uniformen. 'Rambo types'. Mannen met dikke buiken, ze droegen sjaals om hun voorhoofd, ze rookten. En F zag commandanten bij de VN-basis van de Nederlanders, ze stapten uit een politie-wagen.

De aanklager vraagt: 'Is er iemand in deze zaal die u daar toen ook hebt gezien?'

'Ja.'

De aanklager: 'Kunt u, for the record, beschrijven hoe hij eruit ziet?'

'Hij draagt een zwart colbert, een witte blouse. Een scheiding in zijn haar, naar links. Het is generaal Krstić.'

De verdachte zucht, klemt zijn kaken op elkaar, draait met zijn duimen.

De aanklager glimlacht tevreden. Het is pauze.

Een weeffout

Op zittingsdagen krijgt de generaal van het gevangenis personeel een lunchpakket mee. Zijn twee advocaten uit Belgrado, Nenad Petrušić en Tomislav Visnjić, hebben snoep en chocola bij zich. Zij mogen het restaurant van het tribunaal niet in. Visnjić moet er om lachen. Er zou toch geen tijd zijn om te eten, zegt hij. De pauzes duren kort, de advocaten gebruiken die om met Krstić te overleggen. Ze drinken koffie. De generaal zelf eet nooit iets van zijn lunchpakket.

Een 'weeffout'. Zo noemt de Nederlandse advocaat Michail Wladimiroff de beroerde positie van advocaten in het tribunaal. Wladimiroff verdedigde in 1995 de eerste verdachte die naar Scheveningen werd gebracht, de caféhouder en politie-reservist Duško Tadić – die begin dit jaar in hoger beroep werd veroordeeld tot twintig jaar cel. In de statuten van het tribunaal staat niets over bevoegdheden van advocaten. Aanklagers kunnen regeringen onder druk zetten om mee te werken aan een onderzoek, verdedigers niet. En als ze bijvoorbeeld willen zien hoe massagraven worden geopend door onderzoekers van de aanklager, kan dat alleen als ze toestemming krijgen van de griffier van het tribunaal.

'Als je aan *fair trial* wilt doen, moet je de verdediging serieus nemen', zegt hoogle-raar Gerard Strijards, die als raadsadviseur van het ministerie van Justitie betrokken was bij de vestiging van het Joegoslavië-tribunaal in Den Haag. 'Maar advocaten worden geassocieerd met boeven. Daar worden ze zelf ook een beetje boef van. Die emoties hebben zeker een rol gespeeld bij de oprichting van dit hof.'

Het was lastig voor Wladimiroff om Bosnisch-Servische getuigen naar Den Haag

te halen. Van de voorzitter van het tribunaal had hij een stapel dagvaardingen gekregen, met handtekeningen en stempels erop. Om in Bosnië indruk te maken. Met dat papier in hun hand konden getuigen tegen hun burens zeggen: 'Ik moet.' Wladimiroff: 'Maar als de betrokkene zei: "Ik veeg mijn billen ermee af", kon ik niks doen.'

De advocaat ging begin december 1995 op bezoek bij Radovan Karadžić in Pale, in het oosten van Bosnië. Hij wilde van hem een brief waarmee hij getuigen kon overhalen mee te werken. Die brief kreeg hij.

In het gesprek, dat anderhalf uur duurde, hadden ze het ook over Karadžić' eigen zaak. Er liep al een aanklacht tegen hem sinds de zomer van 1995. Karadžić zei, vertelt Wladimiroff nu, dat hij bereid was voor het tribunaal te verschijnen, op voorwaarde dat de rechters hem erkenden als president van de Servische Republiek. Hij vertelde Wladimiroff hoe hij zich in de rechtszaal zou gedragen: 'Ik ga daar zitten en ik zeg niks, ik kijk ze alleen maar aan.' Het gedrag, zegt Wladimiroff, van een 'boos jongetje'.

Het streelt je ijdelheid

Wladimiroff ontkent het gerucht onder juristen dat hij Karadžić zal verdedigen als hij wordt gearresteerd. Er zou al een *deal* zijn gesloten. Onzin, zegt hij. Maar als hij door Karadžić zelf gevraagd zou worden, sluit Wladimiroff niet uit dat 'de verleiding te groot zou worden'. De Tadić-zaak deed hij omdat hij het een 'juridisch avontuur' vond. En: 'Je staat in het centrum van de belangstelling. Dat streelt je ijdelheid. Ik ben er eerlijk in, advocaten worden ook dáárdor gedreven.'

Voor het geld deed Wladimiroff het in ieder geval niet. In het begin kreeg hij van het tribunaal tweehonderd dollar per dag,

uiteindelijk werd dat honderdtien dollar per uur. Voor westerse advocaten is ook dat bedrag nog het salaris van een stagiaire. Voor hun Servische collega's is het veel geld.

De verdachten kregen al snel door dat Servische advocaten er daarom heel wat voor over hadden om hun zaak te mogen doen. Begin 1997 ruilde Duško Tadić zijn Nederlandse advocaat in voor een Serviër, hij dacht dat dat beter was voor zijn zaak. En: de Servische advocaat kocht van zijn salaris een huis voor Tadić' vrouw Mira, in een voorstad van Belgrado. Later, vertelt Wladimiroff, werd het gebruik dat advocaten een percentage van het salaris aan hun cliënten gaven.

Twee Nederlandse collega's van hem zouden drie maanden geleden een van de verdachten gaan verdedigen. 'In het tweede gesprek vroeg die man: "En hoeveel krijg ik van jullie uurloon?" Ze waren stomverbaasd.'

Wladimiroff vindt het een slechte zaak. 'Je wordt koopbaar, je verliest je onafhankelijkheid.'

Krstić is depressief

In het restaurant van het Kurhaus Hotel in Scheveningen zit Tomislav Visnjic, advocaat van generaal Krstić. Een zonnebril hangt

over de kraag van zijn donkerblauwe polo-shirt. Hij draagt een beige katoenen broek en rode Nike gymshoenen. Hij schudt zijn hoofd, bijt de ijsblokjes uit zijn glas cola stuk en zegt: 'Ik wil niet voor mijn collega's spreken, maar ik geef niks. Krstić heeft er nooit om gevraagd. Hij is niet zo.'

Ook al heeft de generaal volgens Visnjic weinig geld. Hij heeft geen cd-speler of computer in zijn cel, zoals bijna alle andere gevangenen. Visnjic zegt dat hij wel de vrouw van Krstić 'helpt'. In de weken dat de zaak stilligt, gaat Visnjic terug naar Bosnië, voor onderzoek, of naar Belgrado. Krstić' vrouw mag dan in zijn flat in Scheveningen logeren. Ze kan ook de vliegreis naar Nederland zelf niet betalen. Visnjic: 'En het is voor mij en mijn collega belangrijk dat ze hem opzoekt. Krstić is depressief, hij heeft bezoek nodig. Wij hebben er niks aan als we een cliënt kwijtraken in de weken dat we er niet zijn.'

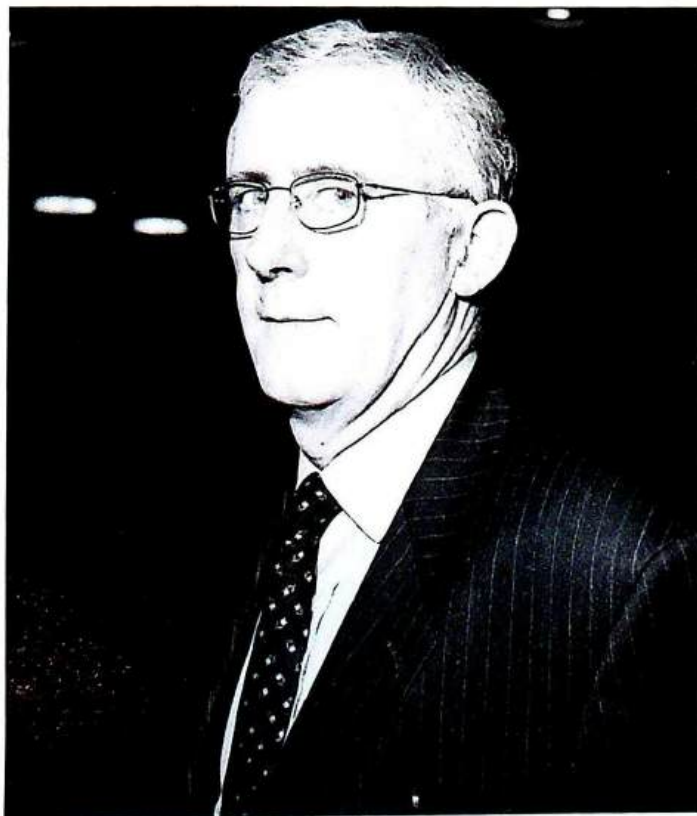
Volgens het Bosnische weekblad *Slobodna Bosna* zou Milošević druk uitoefenen op Servische advocaten van het tribunaal. Ze zouden in Belgrado een speciale cursus moeten volgen waarin ze leren dat hun cliënten niks mogen zeggen over betrokkenheid van de Joegoslavische leider bij hun misdaden. Als advocaten en cliënten zich

daar niet aan houden, loopt hun familie in Servië gevaar.

Tomislav Visnjic schudt opnieuw zijn hoofd. Er is, zegt hij, nog nooit namens de autoriteiten in Belgrado contact met hem gezocht. 'Aan het eind van dit proces zult u zien dat wij niet de staat verdedigen, maar onze cliënt.' Meer wil hij er niet over kwijt.

Op maandag 29 mei zit in de getuigenbank een Amerikaanse forensisch antropoloog. Hij onderzocht massagraven bij Srebrenica. 'Is het mogelijk', vraagt advocaat Visnjic, 'dat er in de graven ook moslims liggen die zelfmoord hebben gepleegd?' De Amerikaan moet lachen en zegt: 'Ik heb nog nooit gezien dat mensen zichzelf een paar keer door het hoofd schieten, met hun handen geboid op de rug.'

Een Peruaanse antropoloog vertelt dat de onderzoekers tot nu toe 1.883 lichamen hebben gevonden, in zeventien massagraven. Eén van die lichamen was van een vrouw, van tweehonderd lijken was het geslacht niet meer te bepalen. Zeven lichamen waren van kinderen tussen de acht en twaalf jaar. Het exacte aantal lichamen zal nooit kunnen worden vastgesteld, zegt de antropoloog. Omdat er ook lijken in stukken werden gehakt, voordat ze werden overgebracht naar andere massagraven, in een poging bewijsmateriaal van de slachtpartij te vernietigen.



Timothy McFadden

De gevangenisdirecteur: 'Nederlanders zijn érg stipt'

Alle gearresteerde verdachten van het Joegoslavië-tribunaal zijn ondergebracht in het vroegere Oranjehotel, het gevangeniscomplex van Scheveningen. Directeur van het VN-cellenblok is Timothy McFadden. De 47-jarige Ier werkte eerder voor de Verenigde Naties in Syrië, Namibië, Israël, Libanon, Angola en Rwanda. Hij kwam naar Den Haag om dichterbij Ierland te zijn. 'Eén uur en tien minuten van huis'.

De VN huren de cellen, en 'het product beveiliging' wordt gekocht van het Nederlandse ministerie van Justitie. Er zitten nu vijfendertig verdachten gevangen, de cellen zitten vol. Maar als er meer worden gearresteerd is dat volgens de directeur geen probleem. 'In principe kunnen we er onbeperkt cellen bij krijgen.'

McFadden probeert gevange-

nen te 'mengen'. Er zijn geen 'etnische afdelingen' voor Serviërs, Kroaten en moslims. 'Als je dat wel doet, verlies je de controle', zegt McFadden. 'Dan zijn ze in de gevangenis alweer bezig met nieuwe plannen.' Verdachten kunnen overal worden afgeluisterd.

McFadden vindt het 'erg interessant' om met Nederlands personeel te werken. Alle werknemers, ook schoonmakers, willen weten wat er in het huis van bewaring gebeurt, ze vinden dat ze daar recht op hebben. 'Dat zal wel de typische polder-management-style zijn.' Hij verbaast zich over hun gebrek aan ambitie. 'Als ik tegen een bewaker zeg: Ik ben van plan om van jou een supervisor te maken, zegt hij: Dat hoeft niet hoor.'

Nederlanders doen hun werk goed. Maar wel érg stipt. Als de gevangenis net aan het eind van hun dienst in brand staat, dragen ze ook die brand over. Blussen is voor de volgende ploeg.

Een patholoog-anatoom uit Belgrado, Zoran Stanković, bestudeert op verzoek van de advocaten het onderzoeksmateriaal van de aanklager. De verdediging, zegt Visnjić na afloop van de zitting, zal proberen te bewijzen dat niet alle moslims die in de graven zijn gevonden, werden geëxecuteerd. Nee, geeft hij onmiddellijk toe, voor de zaak tegen de generaal zal het niks uitmaken als het hem lukt dat aan te tonen. 'Maar je moet toch vechten tegen wat niet waar is.'

Het Angelsaksische model

Het VN-tribunaal volgt het Angelsaksische *common law*-systeem. Dat betekent dat al het bewijsmateriaal in getuigenverklaringen in de rechtszaal moet worden gepresenteerd. Er kan niet, zoals op het Europese vasteland gebruikelijk is, een oordeel worden geveld op basis van dossiers. Dat is een 'ernstig bezwaar' tegen het tribunaal, vindt hoogleraar Strijards. 'In het Angelsaksische model wordt gewerkt met een jury van mensen die van niks weten. Dan heeft dat zin. Maar in het tribunaal beslissen rechters, deskundige mensen. Waarom zou je voor hen zo overloos uitweiden?'

De processen duren vaak jarenlang. En omdat er nog steeds te weinig rechtszalen, rechters, aanklagers en onderzoekers beschikbaar zijn, zitten verdachten ook jaren vast voordat hun zaak voorkomt. Balkanspecialist Heleen Habraken van Amnesty International in Londen geeft toe dat het voorarrest 'lang duurt'. Maar de mensenrechtenorganisatie heeft er nooit tegen geprotesteerd. 'Het zijn natuurlijk ook geen lieverdjes die daar vastzitten.'

Rechters en aanklagers proberen er wel wat aan te doen. Sinds kort bespreken ze de

aanklacht van te voren met de advocaten. In overleg met hun cliënten kunnen zij op delen van de aanklacht schuld bekennen. Die hoeven dan niet meer in de rechtszaal aan de orde te komen. Omdat dat in strijd is met het Angelsaksische model, worden die besprekingen geheim gehouden. De vorige voorzitter van de rechtbank, de Amerikaanse Gabrielle Kirk McDonald, moest er niks van hebben. Haar opvolger, de Fransman Claude Jorda, had er minder problemen mee. Het vooroverleg is pas na zijn aantreden ingevoerd, in november 1999.

Menswaardig bestaan in de gevangenis

Directeur van het VN-cellenblok aan de Pompstationsweg in Scheveningen is de Ier Tim McFadden, ex-officier in het Britse leger. Hij was ook al *prison manager* in het zuiden van Ierland, van de afdeling met politieke gevangenen, en in Rwanda.

In Scheveningen, zegt hij, zitten bijna geen 'doorsnee misdadigers'. De directeur ziet onmiddellijk of arrestanten eerder hebben vastgezeten: 'Ik herken mensen met ervaring.' 'De gevangenen van het tribunaal', zegt McFadden, 'zijn vaak mannen van middelbare leeftijd, met een respectabele functie in het leger of bij de overheid.'

De directeur leest de aanklacht tegen zijn gevangenen niet, en volgt ook niet wat er in de rechtszaal gebeurt. Alleen als er iets is waardoor ze in een slechte bui kunnen raken, bijvoorbeeld omdat hun zaak wordt uitgesteld of vertraging oploopt, wil hij op de hoogte gesteld worden. 'Dan is het belangrijk dat ze wat vaker bezoek krijgen van thuis.'

De directeur wil de mannen in zijn *detention unit* een 'menswaardig bestaan' bieden,

een 'kwalitatief goed leven'. Hij vond het erg vervelend, zegt hij, dat het drie keer niet lukte om generaal Krstić een nieuw kunstbeen te geven. Hij grijnst. 'Maar om de een of andere reden zijn ze in Beiroet en Belfast veel beter in protheses dan in Nederland.'

McFadden kan nauwelijks verbergen dat hij met de gevangenen te doen heeft. 'Vergeet niet: het zijn verdachten, géén veroordeelden. In Nederland zou nooit worden geaccepteerd dat voorarrest tweeënhalf of drie jaar duurt. Ze zitten ver van huis, ze verstaan de taal niet, het eten is niet wat ze gewend zijn.' Familieleden van verdachten hoeven zich van de directeur niet strikt aan de bezoeken te houden. Voor gevangenen die hun vrouw of vriendin op bezoek krijgen, zijn speciale kamers met bedden beschikbaar. Bewakers volgen, door een glazen wand, wat er in die *family rooms* gebeurt, het geluid staat uit. 'Maar als ze de liefde bedrijven, wordt er niet gekeken. We werken niet in een peepshow.'

Gevangenen mogen iedere dag zeven minuten naar huis bellen. Een uur per dag sporten ze in de buitenlucht. Er is een zaal waar ze kunnen tennissen, voetballen en volleyballen. Ze schilderen en kleien, ze 'darten, schaken, spelen kaart, ze koken voor zichzelf als ze daar zin in hebben, ze kunnen een taal leren. En ze maken muziek. Er staat een piano, er zijn gitaren en een accordeon. In hun cel staat een satelliettelevisie. Twee van de verdachten hebben een kanarie. 'Er worden hechte vriendschappen gesloten', zegt de directeur. 'En ze vierten elkaars verjaardagen.'

Volgens McFadden zijn de mannen 'erg fit', omdat ze veel sporten en voldoende rust krijgen. 'Ook de medische verzorging is uit-



Paul Risley

De woordvoerder: 'A hell of a job'

Nog een paar maanden en dan houdt de woordvoerder van de openbare aanklager ermee op. De Amerikaan Paul Risley (39) gaat terug naar Washington om 'een bijdrage te leveren aan de presidentscampagne van Al Gore'. Hij hoopt dat Gore de nieuwe president van de Verenigde Staten wordt. Dat zou hem, verwacht hij, een baantje opleveren als woordvoerder op Capitol Hill.

Op 10 april 1999 begon hij in Den Haag, een week na de eerste luchtaanval van de NAVO op de Joegoslavische hoofdstad Belgrado. Zijn functie noemt hij een 'absolute wereldbaan'. 'Het zijn kleine stappen op weg naar vrede en stabiliteit op de Balkan', zegt hij voor de televisiecamera's, na iedere nieuwe arrestatie van een verdachte oorlogsmisdadiger.

Zo'n interessante baan en dan zo snel weer weg? Risley: 'Het is niet makkelijk om voor

stekend.' Twee keer per week komt er een huisarts langs, een keer per week een klinisch psycholoog, en een psychiater is vijf dagen per maand beschikbaar. 'Ze hebben', zegt de directeur, 'allemaal wel wat massage van hun persoonlijkheid nodig.'

Een deel van de gevangenen zat midden in een militaire of ambtelijke carrière. 'Ze deden wat ze dachten dat ze moesten doen en opeens is er iemand die zegt: "Wat jij hebt gedaan, is een ernstige misdaad." Als zo'n man dat accepteert, betekent dat dat zijn hele leven niks waard is geweest.'

Verwende gevangenen

Hoofdaanklaagster Carla del Ponte reageert geïrriteerd op vragen over het lange voorarrest. Het interesseert haar niet, zegt ze. 'Rechters houden er rekening mee in straffen die ze opleggen. Ik ben alleen geïnteresseerd in de vervolging.'

Voor Nederland is het wel lastig, vertelt hoogleraar en raadsadviseur van Justitie Gerard Strijards. Het is Nederland dat cellen beschikbaar stelt aan het tribunaal. Als verdachten na jaren eindelijk veroordeeld worden, zijn het verwende, lastige gevangenen geworden. Zeven Europese landen hebben zich bereid verklaard veroordeelden op te nemen in hun gevangenissen. Het statuut van het tribunaal verplicht VN-lidstaten ook om mee te werken aan de uitvoering van het vonnis. Toch zitten er nu vijf te wachten op een cel. 'We leuren ermee', zegt Strijards. 'Ze hebben allemaal de *UN minimum standards on detention* uit hun hoofd geleerd. Over bibliotheekbezoek, over het eten en ga zo maar door. Ze weten precies waar ze recht op hebben.' Ook in Scheveningen wordt erover geklaagd. De andere gevangene-

nen zien een groep van mogelijk ernstige misdadigers die veel beter worden behandeld dan eenvoudige oplichters. Strijards: 'Dat geeft spanningen.'

Er is niet gelobbyd om het Joegoslavië-tribunaal in Den Haag gevestigd te krijgen. VN-secretaris-generaal Boutros Ghali kwam in 1994 met het verzoek, en de Nederlandse regering zei ja. Maar niet van harte. Topambtenaren van Buitenlandse Zaken en Justitie dachten dat het tribunaal, zonder eigen politiemacht, hooguit wat onbelangrijke misdadigers zou berechten. En er werd nog hevig gevochten in Bosnië.

Nederland en de VN maakten een *headquarters agreement*. Het gastland stelde cellen beschikbaar, forensische experts en een gerechtelijk laboratorium. Het tribunaal werkte buiten de Nederlandse rechtsmacht, maar in de overeenkomst stond niets over bijvoorbeeld het vervoer van arrestanten van Schiphol naar Scheveningen. Hoogleraar Strijards, die voor Nederland *liaison officer* was bij het tribunaal: 'We dachten toen: als het al een keer gebeurt, verzinnen we er wel wat op.' Dat werd een 'incidentele regeling'. 'Nu is er', zegt Strijards, 'een karrenvracht aan incidentele regelingen. Ook voor bijvoorbeeld psychiaters en psychologen in de penitentiaire inrichtingen en voor geestelijke bijstand.'

Getuige F, de anonieme Dutchbat militair, wordt ondervraagd door de advocaat van Krstić. De verschillende eenheden waar de Nederlandse militair eerder over vertelde, in zwarte en groene uniformen – hadden die allebei hun eigen commandant? 'Ja', zegt F.

Later zal de advocaat uitleggen waarom hij dit wil

weten: de verdediging zal proberen aan te tonen dat Krstić niet verantwoordelijk was voor het bloedbad in Srebrenica.

De advocaat: 'U zegt dat u de generaal Krstić daar heeft gezien.'

F: 'Ja, ik heb hem daar twee dagen gezien.'

De advocaat: 'Hebt u de generaal de afgelopen jaren nog wel eens op foto's gezien, of in films?'

F: 'Nee. Pas twee of drie dagen geleden zag ik foto's van hem. De foto's van de aanklager.'

De advocaat: 'Ik hoorde dat er kort geleden een BBC-documentaire is uitgezonden in Nederland. Hebt u die gezien?'

F: 'Nee.' Hij is even stil. Dan zegt hij: 'Ik moet u eerlijk zeggen: de afgelopen vijf jaar heb ik alleen maar negatieve dingen gehoord over ons in Srebrenica. Ik wilde er niks meer van weten. Ik heb niks gelezen, niks gezien.'

Paul Risley, woordvoerder van aanklager Carla del Ponte, komt het kantoor in waar journalisten op een televisie, via een videoverbinding, de getuigenis volgen. De zitting is besloten, op het scherm is F onherkenbaar gemaakt. 'Waarom is deze getuige anoniem?' vraagt een van de journalisten. 'Omdat hij Nederlander is, hij is een lafaard', zegt Paul Risley, en hij moet hard om zichzelf lachen.

Waar zijn Karadžić en Mladić?

Medewerkers van Carla del Ponte zeggen dat ze Nederlanders vies vindt, en langzaam. Ze gruwet van het Nederlandse overlegmodel. Met Nederlandse ministers heeft ze nog niet gesproken. De eerste afspraak die ze had met Jozias van Aartsen van Buitenlandse Zaken werd door Van Aartsen afgezegd, de tweede door Del Ponte. In het tribunaal gaat het verhaal dat ze kort geleden tijdens een officieel diner in de buurt zat van Van Aartsen en koningin Beatrix. Ze zou tegen Van Aartsen hebben gezegd:

Carla del Ponte te werken. Ze houdt niet van media en als woordvoerder heb je dan *a hell of a job*. Risley werd benoemd door Louise Arbour. 'Ik hield van die vrouw', zegt de vrijgezel Risley (hobby: disco-dansen). 'Arbour is open, diplomatiek, geniet van de media, een evenwichtige vrouw.'

Del Ponte is 'hard', 'nukvig' en 'werkt eendimensionaal aan de arrestatie van Milošević, Karadžić en Mladić.' Zijn opvolger, weet hij, zal goed Frans moeten spreken en kunnen

leven met 'Italiaanse grilligheid'.

Risley was woordvoerder voor verschillende VN-organisaties. Van 1994 tot 1995 was hij woordvoerder van Unprofor in Sarajevo, de vredesmacht in ex-Joegoslavië.

Hij maakte de val van Srebrenica in 1995 van dichtbij mee. 'Ik weet genoeg om er zwaar depressief van te worden', verzucht hij. 'De VN hebben de moslimbevolking zwaar in de steek gelaten. Srebrenica was een nachtmerrie.'



Voormalig openbaar aanklaagster Louise Arbour



De rechtszaal in het Joegoslavië-tribunaal. Foto Vincent Mentzel/NRC Handelsblad

'Houdt u nou uw mond eens. Ik wil horen wat de koningin zegt.'

Bij het raam van Del Pontes werkkamer in het tribunaal staat een blauwe VN-vlag. Ook het tapijt en de stoelen zijn VN-blauw, en aan een muur hangt een schilderij: een wit huisje tegen een blauwe achtergrond. Del Ponte zuigt op tabletjes tegen het hoes-ten, af en toe steekt ze een *Marlboro light* op.

De samenwerking met gastland Nederland noemt ze 'goed'. In de Krstić-zaak is die zelfs 'perfect'. 'We kregen al het materiaal van gesprekken die zijn gehouden met Nederlandse soldaten, we konden meteen de goede getuigen oproepen. De Nederlandse autoriteiten hebben veel voor-onderzoek gedaan.'

Over de samenwerking met de NAVO-troepen in Bosnië zegt ze: 'We hoeven er niet omheen te draaien: voor hen heeft het arresteren van verdachten geen prioriteit. Ze willen de vrede en veiligheid in Bosnië bewaren. Pas ver daarna komt de jacht op verdachten. Ik probeer dat te veranderen. Het gaat moeizaam.'

Of de NAVO weet waar Karadžić en Mladić zijn?

'Dat ga ik u niet vertellen. Ik vertel het u ná de arrestatie van Karadžić. Dan kan ik veel vertellen. Niet nu. We houden het geheim.'

Dat betekent dat de NAVO het weet?

'Ik kan geen geheim verklappen.'

Eind mei had Del Ponte een gesprek met de Amerikaanse minister van Buitenlandse Zaken Madeleine Albright. Die wist, ontdekte ze, maar weinig over het tribunaal. Del Ponte heeft haar uitgelegd wat er moet gebeuren en nu hoopt ze maar dat Albright iets voor haar kan doen. Haar doel is en blijft: de arrestatie van Mladić, Karadžić én Milošević.

Volgens haar medewerkers heeft Del Ponte niks gelezen over de geschiedenis van de Balkan. Zelf zegt ze: 'Wel iets, maar niet bijzonder veel. Ik ben geen historicus.' Medewerkers zeggen ook dat ze het Rwanda-tribunaal, waarvan ze ook hoofd-aanklaagster is, 'leuker' vindt. Omdat het

overzichtelijker is: hutu's tegen tutsi's.

Ze mogen beiden voortvarend zijn, en vrouw, de verschillen tussen Arbour en Del Ponte zijn groot. Voór haar benoeming in Den Haag was Louise Arbour rechter in Canada. Carla del Ponte was in Zwitserland ook al aanklaagster en ze vindt het zelf 'heel goed' dat een echte aanklaagster nu de leiding heeft in Den Haag. 'Ik ben geobse-deerd door vervolging. Een rechter is diplo-matieker, weegt de pro's en contra's, slaapt er nog eens een nachtje over. Wij aanklagers slaan met de vuist op tafel. Mijn aanpak is veel agressiever.'

Toen Arbour in Den Haag begon, dacht ze dat de juridische kant van haar werk het belangrijkste zou worden. Dat was niet zo. Ze moest vooral lobbyen, praten. Met amb-tenaren, politici, journalisten. Begin vorig jaar probeerde ze Kosovo in te komen, na het bloedbad in het dorp Racak. Ze wilde de moord op vijfenveertig Albanezen in dat dorp onderzoeken, maar de Servische autoriteiten hielden haar tegen bij de Macedonische grens. In haar hotelkamer in

**De dame van de stomerij:
'Goede klanten, veel vlekken'**

Ze weet wanneer de hoofdaanklager van het Joegoslavië-tribunaal op reis is geweest. 'Dan komt de secretaresse van mevrouw Arbour – nu mevrouw Del Ponte – langs met de inhoud van de koffer. Chique, exclusieve mantelpakjes. Wat dat betreft doen de twee vrouwen niet voor elkaar onder', zegt Dori de Leeuwe (51). 'Maar hun kleding krijgt dezelfde behandeling als de pantalon van een tolk. *Cristal Cleaning* discrimineert niet.'

Iedere maandag staat ze in de hal van het tribunaal. Medewerkers kunnen hun kleren afgeven om te laten stomen. 'Ik heb zo'n vijftig klanten per week', zegt ze. 'Op vrijdag leveren we kleren weer af.' Het zijn goede klanten, ze hebben kwalitatief goede kleding. Maar ze zijn wel slordig, vindt ze. Veel vlekken.

'Wij zorgen dat de mannen en vrouwen van het tribunaal er piekfijn uitzien. Wij stomen de kleren van de bewaking, de

toga's van de advocaten, de robes van de rechters, de witte befjes', vertelt ze trots. De kleren gaan in grote zakken. Het leukst vindt ze het contact met de klanten op maandag. 'Je krijgt een band. Vooral met de vrouwen. Gezellige vrouwen-onder-elkaar-praatjes.' De mannen nemen meestal ook de kleding voor hun vrouwen mee, terwijl een vrouw zelden mannenkleding inlevert. 'Het zijn allemaal serieuze, hardwerken-mensen. Er worden weinig grapjes gemaakt.'

Tegen haar kennissen zegt ze dat ze werkt op een plek die nog beter wordt beveiligd dan De Nederlandsche Bank. 'Goh, wat zijn ze streng. Ik word van top tot teen onderzocht en mijn auto wordt helemaal gecontroleerd. Met spiegels kijken ze of ik er een bom onder heb geplakt.'

'Soms maak ik een grapje: "Moet ie nog getectyleerd worden?" Maar dat snappen ze niet. Tenminste, ze lachen er nooit om, alleen maar de Nederlandse bewakers.'



Dori de Leeuwe

Skopje, de hoofdstad van Macedonië, overwoog ze ontslag te nemen. Ze vond het, vertelt ze nu, een afgang. Maar terug in Den Haag ontdekte ze dat haar reis een enorm publicitair succes was geweest. Ze had zelfs op de voorpagina van de *New York Times* gestaan.

Carla del Ponte moet niks hebben van media-aandacht. 'Ze haat journalisten', zegt een van haar medewerkers. Ze zoekt ook een nieuwe woordvoerder. De Amerikaan Paul Risley vindt ze een 'onze-ker, praatgraag mannetje'.

'Waarom ben ik niet gek geworden?'

In de rechtszaal zit op vrijdag 7 april een man van tweeënzestig jaar, moslim. Hij vertelt over de executie van zo'n duizend mannen uit Srebrenica. 'We liepen door de rijen doden en moesten aan het eind daarvan gaan staan. Het bevel klonk: "Liggen", maar de vuurstoot kwam al en ik viel. Een kogel schampte mijn elleboog, bloedende mannen vielen op me. Iemand smeekte: „Ik leef nog, schiet me dood." De soldaten gingen weg om in de schaduw te rusten. Ik rende over lichamen,

naar struiken waar ik me wilde verbergen. Ik struikelde en viel bijna op de doden.'

De getuige probeerde veilig gebied te bereiken. Dat lukte niet. Hij zwierf dagenlang rond en gaf zich uiteindelijk over aan de Serviërs. Vijf maanden zat hij in een gevangenis. In november 1995 werd hij geruild voor Servische gevangenen.

'Er is iets wat ik niet begrijp. Waarom ben ik niet gek geworden? Ze hebben mijn zoons gedood, ze hebben mijn land geroofd, mijn twee huizen vernield. Ik heb geen pensioen. Ik ben een uitgedroogde boom in een dood bos.'

De tolken van het tribunaal vertalen de getuigenissen soms met tranen in hun ogen. Ze proberen afstand te houden. Maar hun vertalingen, zeggen ze zelf, zijn beter als ze dat niet doen. Ze werken een half uur, dan hebben ze een uur pauze. Ze blijven wel in het vertaalkokje zitten om hun collega's te helpen.

Ze lezen de krant of *Marie Claire*. De tolken, bijna alleen maar vrouwen, zijn Servisch, Kroatisch of moslim. Over politiek praten ze niet. Wel over de oorlog, en hoe

afschuwelijk die was.

'Ook voor mij', zegt Tomislav Visnjić, advocaat van Krstić, 'is het soms moeilijk om naar de verhalen van getuigen te luisteren.' Wat zijn cliënt voelt, weet hij niet. 'Maar ik denk dat ze hem drie keer zo hard raken. *He's in the game.*'

Niet alle getuigenissen maken indruk op de advocaat. Hij bedoelt niet te zeggen dat de verhalen niet waar zijn, hij zegt: 'Ik heb zo mijn reserves.' Een van zijn Servische collega's, in een andere zaak voor het tribunaal, heeft er zichtbaar plezier in om moslimgetuigen aan het huilen te maken. Hij treitert verkrachte vrouwen, op een harde, cynische toon vraagt hij naar details. Tomislav Visnjić moet er om lachen. Maar hij zou het zelf, zegt hij, nooit zo doen.

De Australische Wendy Lobwein begeleidt getuigen voor het tribunaal. Voordat ze de rechtszaal in gaan, zitten ze met haar in een kamertje. 'Het kamertje van de doodsangst', zegt Lobwein zelf. Op de vloer ligt een blauw tapijt, er staat een koelkastje met water en sap, er is koffie, er zijn koek-

De rechter: 'Ik wil vrede stichten'

Rechter Almiro Rodrigues (49) is een vrede stichter. Altijd geweest. Op het schoolplein kwamen kinderen die ruzie hadden bij hem. Almiro bemiddelde, bedacht een oplossing. 'Het is mijn missie', zegt hij. 'De schoonheid van de harmonie tussen mensen die van elkaar verschillen. Dat trekt me.'

Almiro Rodrigues komt uit een katholiek gezin, acht kinderen. Zijn vader was meubelmaker in het Portugese stadje

Viseu. Almiro studeerde rechten in de universiteitsstad Coimbra, daarna psychologie in Lissabon. Hij wilde het gedrag begrijpen van mensen over wie hij moest oordelen. 'Een mens', zegt hij nu, 'kan krachtig worden beïnvloed door propaganda, door culturele en biologische factoren, door groepen. Maar er is ook individuele verantwoordelijkheid. Er is altijd een moment waarop iemand had kunnen beslissen: dit doe ik niet.'

Rodrigues was Officier van Justitie. Hij richtte in Portugal organisaties op voor de mensen-

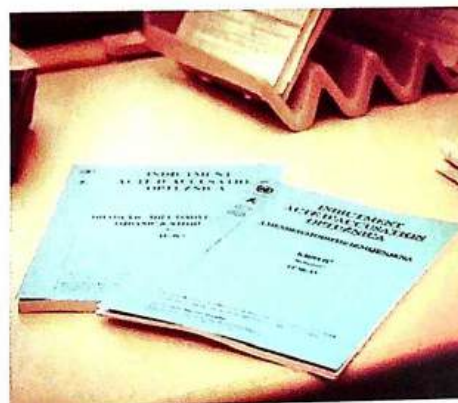
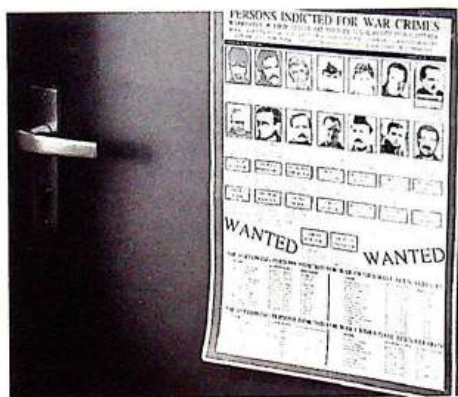
rechten en de rechten van het kind. In november 1997 werd hij benoemd als rechter in Den Haag. Hij is nu voorzitter van de drie rechters die zullen oordelen over de Bosnisch-Servische generaal Radislav Krstić.

De eerste taak van het tribunaal, zegt Rodrigues, is: recht spreken. De tweede: slachtoffers genoegdoening geven. 'En er is een derde: bijdragen aan de wereldvrede.'

In de rechtszaal kijkt Rodrigues vaak naar de verdachte. Hij wil zien hoe die reageert op getuigenissen. Als moslims

vertellen over wreedheden houdt Krstić zijn gezicht in zijn handen en hij zucht. 'Non-verbale informatie', zegt de rechter. Hij kijkt ook om te zien of de verdachte het nog wel volhoudt. 'Het is mijn taak als voorzitter om erop te letten dat iedereen in de rechtszaal er nog tegen kan.'

Rodrigues woont alleen, in Den Haag. Nederland vindt hij een prettig land. Maar hij mist de bergen. Soms rijdt hij in het weekend naar Maastricht. Het is een goed gevoel, vindt hij, over heuvels rijden.



Het Joegoslavië-tribunaal aan het Churchillplein

jes. In de rechtszaal ontmoeten getuigen vaak voor het eerst de mannen die verantwoordelijk worden gehouden voor de moord op hun familieleden, of ze zien opnieuw mannen door wie ze werden gemarteld of verkracht. 'Drie getuigen zijn letterlijk op de drempel van de rechtszaal ingestort.'

Lobwein en haar collega's doen soms rollenspelen met de getuigen, om hen voor te bereiden op het verhoor. Veel getuigen zijn ziek, vertelt ze. 'We proberen wat voor hen te doen, het tribunaal heeft een goede medische staf. We hebben ook brillen, kleding en gehoorapparaten voor ze.'

Recht op een advocaat

De Portugees Almiro Rodrigues is voorzitter van de drie rechters die over Krstić zullen oordelen. Hij zegt: 'Het valt voor Servische verdedigers vaak niet mee om zich aan te passen.'

Er zijn advocaten bij die nog niet eerder in het buitenland waren. In de rechtszaal wijst Rodrigues hen erop dat ze getuigen moeten laten uitpraten, dat ze nooit mogen zeggen dat een getuige liegt, en dat ze niet moeten doorgaan met vragen als een getuige het antwoord niet weet. De advocaten van Krstić noemt hij 'echte heren'. Hij vindt hen beleefd en vriendelijk.

Half april was er een moslimman uit Srebrenica die aan het eind van zijn getuigenis een vraag had voor de advocaten. Hoe konden zij een man verdedigen die tienduizenden kinderen wees had gemaakt?

De advocaten keken strak voor zich uit en zeiden niks. Rodrigues sprak de getuige vriendelijk maar streng toe: 'Zij doen hun werk, en zij doen hun werk goed. Elke verdachte heeft recht op een advocaat en elke verdachte moet als onschuldig worden beschouwd totdat hij wordt veroordeeld.'

Het is Rodrigues' missie, zegt hij zelf,

om 'mensen bij elkaar te brengen'. Ieder verhoor sluit hij af met een boodschap voor de getuigen. Hij wenst ze kracht om door te gaan met hun leven. Hij hoopt dat ze de haat in hun hart niet laten groeien. Dat ze kunnen vergeven. Getuigen, denkt Rodrigues, hebben vertrouwen in het tribunaal. 'Dat moeten we uitbuiten.'

Erg tevreden was hij over een kapitein van Dutchbat. De Bosnisch-Servische generaal Mladić had in juli 1995 naar een zwarte soldaat gewezen en gevraagd: 'Komt die ook uit Nederland?' De Dutchbatter had hem uitgelegd dat Nederland een 'zeer multicultureel land' was. De Nederlander vertelde dat in de rechtszaal, Rodrigues glimlachte en zei: 'Ik hoop dat u nog lang van uw mooie multiculturele land kunt genieten.'

Generaal Radislav Krstić kan worden veroordeeld tot levenslang. Na deze zomer is het aan de verdediging om getuigen naar het tribunaal te halen en bewijsmateriaal van Krstić' onschuld te presenteren. De advocaten zullen de massaslachting in Srebrenica niet ontkennen, zegt advocaat Tomislav Visnjić. Wel dat Krstić ervoor verantwoordelijk was.

En, zegt hij: 'Srebrenica was een incident. Een verschrikkelijk incident, maar wel een incident. We zullen alles doen om aan te tonen dat er geen plan achter zat, er was niks georganiseerd.'

Dat er op 12 juli 1995 vijftig tot honderd bussen klaarstonden om moslims te deporteren, zegt niks, vindt Visnjić. 'Die heb je op één dag bij elkaar, van busmaatschappijen uit de omgeving.'

Dan zegt hij: 'Srebrenica ligt nog geen tweehonderd kilometer van mijn huis in Belgrado. Ik wil ook niet geloven dat dit van te voren is bedacht.' M

van holst en steijnen

From: TARGETS <redactie@targets.org>
To: <office@globalreflexion.org>
Sent: zondag 8 juli 2001 03:40
Subject: Illegal Tribunal - Illegal Indictment

The URL for this article is <http://emperors-clothes.com/docs/prog2.htm>

www.tenc.net
 [Emperor's Clothes]

Illegal Tribunal - Illegal Indictment
 Statement of the International Progress Organization on the Hague War
 Crimes Tribunal's indictment of Serbian Leaders
 Dr. Hans Koechler, President [posted 23 April 2001]

[The following statement was written just after the 'War Crimes Tribunal' brought 'indictments' against Slobodan Miloshevic (Milosevic) and other Serbian government leaders in 1999. The text was sent to us recently by a contributor from Germany. It was published by the International Progress Organization, an NGO (non-governmental organization) which has worked in various associations with the United Nations for almost 30 years. It makes excellent points, especially about the sheer illegality of the "War Crimes Tribunal". We post it for your information - Jared Israel.]

The International Progress Organization hereby presents the following legal observations on today's "indictment" by the "International Criminal Tribunal":

1. The "indictment" issued by the "Chief Prosecutor" of the so-called "International Criminal Tribunal for the Former Yugoslavia" is legally invalid because this "Tribunal" has no jurisdiction whatsoever in the present or any other case.
2. The "Tribunal" derives its raison d'être exclusively from Security Council resolution 827, adopted at the Council's 3217th meeting on 25 May 1993. In this resolution, establishing the so-called "International Criminal Tribunal," the Security Council states that it acts "under Chapter VII of the Charter of the United Nations."
3. When adopting the above resolution, the Security Council acted ultra vires. According to the provisions of the U.N. Charter, the Council has no competence whatsoever in judicial matters. The provisions of Chapter VII determine the Council's competence in matters of international security but not in matters of criminal justice or other judicial matters. The sole authority in international judicial matters rests with the International Court of Justice.
4. The "determination," in the preamble of Security Council resolution 827, paragraph four, that the "widespread and flagrant violations of international humanitarian law" on the territory of the former Yugoslavia "constitute a threat to international peace and security" does not provide a sound legal basis for the Security Council acting as a surrogate judicial authority or establishing an international court with jurisdiction in this or any other case.
5. It is regrettable that the institution of the Security Council, while being unable to stop the undeclared war waged by NATO countries against Yugoslavia in violation of international law, and while being prevented, because of the veto power of countries conducting the present war, from restoring international peace and security in Yugoslavia, is now being used to take a so-called "judicial" action against the legitimate Head of State and other high officials of the country under attack.
6. Under the present circumstances, the move by the "Chief Prosecutor" of the so-called "Tribunal," Ms. Louise Arbour, can only be considered of political nature. This interpretation is confirmed by today's statement of the President of the United States who declared that the "indictment" by the "Tribunal" can be seen as an endorsement of NATO's campaign.

7. The purely political nature of the "indictment" and the lack of any legal validity of this decision can further be seen from the fact that the "President" of the so-called "Tribunal," Ms. Gabrielle Kirk McDonald (United States of America), the "Chief Prosecutor," Ms. Louise Arbour (Canada), and the investigating "judge" in the present case, Mr. David Anthony Hunt (Australia), are citizens either of NATO member countries directly responsible for the undeclared war against Yugoslavia or of a country fully endorsing the NATO war. If the "Tribunal" would have taken general legal standards of impartiality seriously, it would have been obliged to determine that there is a conflict of interest for "judges" from countries waging an undeclared war against Yugoslavia to sit on such a panel initiating "judicial" action against the Head of State of the country under attack.

8. The political nature of the "indictment" was further made obvious by the "Chief Prosecutor's" press statement earlier today in which she expressed her view that the "indicted" Head of State cannot be considered a partner of any negotiations about a peaceful settlement of the conflict. Such a statement makes a mockery of whatever legal standards the so-called "Tribunal" claims to adhere to. By her statement, the "Chief Prosecutor" has tried to act as a surrogate politician and to influence political events in the interest of those NATO countries presently waging war against Yugoslavia.

9. When, in violation of the United Nations Charter, a self-appointed group of states claiming to act on behalf of international peace and human rights, wages an all-out war against a sovereign member state of the United Nations and deliberately destroys the civilian infrastructure of that country with impunity, the present move by functionaries of the so-called "Tribunal" to declare the legitimate leaders of the country under attack as criminals, can only be seen as an act to hamper the international community's efforts to settle the conflict in Yugoslavia by peaceful means. This move undermines all efforts to settle the conflict within the framework of the United Nations and only prolongs the suffering of the people of Yugoslavia including the Kosovar Albanians.

10. It would be fitting that the so-called "Tribunal" - if it wants, at least, to prove its credibility in terms of basic moral standards, in spite of its legal incompetence as explained above - should also turn its attention to the practices applied by the NATO coalition in its undeclared war against the people of Yugoslavia (including the province of Kosovo).

The provisions of Article 3 of the so-called "Tribunal" identify, among others, the following practices as "violations of the laws or customs of war":

(a) "employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;" (c) "attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;" etc.

NATO's use of depleted uranium missiles and of cluster bombs, NATO's attacks on villages, civilian buses etc. fall clearly within the definition of "violations of the laws or customs of war" as given in the Statute of that very "Tribunal" not to speak of the numerous grave breaches of the Geneva Conventions of 1949 committed by the NATO alliance, for which the "Tribunal" also claims to be competent according to Article 2 of its Statute. As long as the "Tribunal" does not take action against those NATO politicians and military officers responsible for these grave breaches of international humanitarian law, the "Tribunal" can only be considered as one more futile exercise in the political use of judicial procedures within the framework of a "policy of double standards" which seems to be the essence of power politics in NATO's "New World Order."

11. A dangerous precedent is being created by this new use of judicial procedures for the purposes of power politics. The separation of powers, one of the basic requirements of the rule of law, is being completely neglected when a purely political organ of the United Nations, the Security Council, arrogates to itself judicial powers by establishing an "International Criminal Tribunal," and when the functionaries of this "Tribunal" act as surrogate politicians effectively hindering a political settlement of an international armed conflict. The sole responsibility for whichever judicial matters in international affairs rests with the

International Court of Justice. It is this institution alone that decides on the legal questions related to aggression by one state or a coalition of states against another state, and that decides on issues of international humanitarian law.

12. Because of the regrettable paralysis of the Security Council, the member states of the United Nations as represented in the General Assembly should take immediate action on the basis of the "Uniting for Peace Resolution" (res. 377 A [V] of the General Assembly) in order to prevent a further dangerous deterioration of the situation in Yugoslavia. When otherwise invalid legal procedures are being used to prevent a just political settlement and when the ongoing large-scale bombing of Yugoslavia causes an ecological disaster rendering large areas uninhabitable, urgent action is required by the international community. If this new form of self-righteous power politics is not being checked, similar action may be taken in the time to come against other sovereign countries and their leadership. In this case, the "rule of force" will replace whatever remains of the "rule of law" in international relations. International anarchy will be the inevitable result. All political leaders and people of good will should unite against this most serious threat to the international order since the end of the Cold War.

Dr. Hans Koechler, President

[Reprinted from the IPO Website at <http://i-p-o.org/yu-tribunal.htm>]

For more on the War Crimes Tribunal, see:

'Back to the Dark Ages?'

by Jared Israel at <http://emperors-clothes.com/articles/jared/bac.htm>

'The War Crimes Tribunal: Illegal Origins'

By Dr. Kosta Cavoski at <http://emperors-clothes.com/articles/cavoski/c-3.htm>

'The War Crimes Tribunal: Learning from the Inquisition'

By Dr. Kosta Cavoski at <http://emperors-clothes.com/articles/cavoski/c-4.htm>

Secret witnesses; some defendants are more equal than others.

TARGETS - Independent monthly paper on international affairs

Sloterkade 20

1058 HE Amsterdam

The Netherlands

Ph. ++ 31 20 615 1122

Fax: ++ 31 20 615 1120

van holst en steijnen

From: <JaredI@aol.com>
To: <JaredI@aol.com>
Sent: woensdag 15 november 2000 02:25
Subject: Unjust from the Start, Part III: The Illegal Basis of the War Crimes Tribunal

The Global Reflexion Foundation contributes, according to her ability, to the distribution of information on international issues that in the media does not receive proper attention or is presented in a distorted way. We receive information from different sources, that does not necessarily reflect our opinion. If you don't want to receive it, please send us an e-mail.

Dear readers, Til November 27 our office will be closed. Until that date Jared Israel of Emperor's Clothes will send you directly his updates.
 Sincerely,
 Nico Varkevisser

***** Wednesday, November
 15, 2000

Unjust from the Start, Part III: The Illegal Basis of the War Crimes Tribunal

The URL for this article is
<http://emperors-clothes.com/articles/cavoski/c-3.htm>
 For printer-friendly copy, please click here.

www.tenc.net
 [Emperor's Clothes]

Unjust from the Start, Part III: The Illegal Basis of the War Crimes Tribunal

By Dr. Kosta Cavoski

[In Part III of this series, Professor Cavoski, the distinguished Yugoslav law scholar, brilliantly analyses the legal rationale for the War Crimes Tribunal. The sheer illegality of the Tribunal is of great importance given the news that the ruling politicians in Belgrade have invited the Tribunal to Belgrade and promised to cooperate in its hunt for supposed Serbian war criminals.]

If the start of the case of the Prosecutor vs. Djordje Djukic disgraced the International Criminal Tribunal at The Hague, a more serious examination of the manner in which the Tribunal was founded and its working Rules of Procedure and Evidence would also convince us that the failure was not in the least accidental.

Moreover, it could have been expected when the Security Council Resolution 808 of 22 February 1993 was issued. In spite of the fact that the Resolution expressed the intention to found an international tribunal for the prosecution of persons responsible for committing serious violations of international humanitarian law on the territory of the former Yugoslavia since 1991, the Security Council did not feel the need to provide a legal basis for its establishment.(10) The reason for this omission is simple: the existing legal system of the UN does not provide a legal basis for it, nor can there ever be one.

Half a century has passed since the founding of the UN, and its main political and executive body, the Security Council, has never assumed the right to found a tribunal since court jurisdiction rests on international treaties as a result of the absence of a universal legislative organ. This was clearly stated by the UN Secretary General in May 1993:

"The approach which in the normal course of events would be followed in establishing an international tribunal would be the conclusion of a treaty by which the member states would establish a tribunal and approve its statute. This treaty would be drawn up and adopted by an appropriate international body (e.g. the General Assembly or a specially convened conference),

allowing which it would be opened for signing and ratification. Such an approach would have the advantage of allowing for a detailed examination and elaboration of all issues pertaining to the establishment of the international tribunal. It would also allow the states participating in the negotiation and conclusion of the treaty to fully exercise their sovereign will in particular whether they wish to become parties to the treaty or not". (UN Secretary General's Report no. S/25704 (section 18) of 3 May 1993)

The rule whereby court jurisdiction is based on international treaties has, until now, been strictly adhered to without exception. Then in Resolution 827 of 25 May 1993, the Security Council gave itself the right to establish ad hoc a tribunal whose competence was limited in time (beginning on 1 January 1991) as well as capacity (confined to the territory of the former Socialist Federal Republic of Yugoslavia). Since no such tribunal had ever been established before by the Security Council (11), it would have been appropriate to find some sort of legal basis in order to avoid the inference that "might is right". A legal basis was "found" in a very loose interpretation of a clause in Chapter VII of the UN Charter whereby the Security Council can take measures to maintain or restore international peace and security following the requisite establishment of the existence of a threat to the peace, breach of the peace or acts of aggression. In other words, the term "tribunal", as the requisite institution, is taken to be a "measure". No doubt the members of the Security Council, particularly the permanent members, assumed that "might was right", but also that certain terms can be instilled with certain meanings that they never had before. Thus "measures" became synonymous with "tribunal".

The Secretary General was given the thankless task of justifying the international criminal tribunal as an enforcement measure of the Security Council which Chapter VII of the UN Charter grants it [the right to initiate]. As he was unable to refer to any valid legal basis for this authority, he reverted to the principle of expediency. "This approach," said the Secretary General "would have the advantage of being expeditious and immediately effective as all states would be under a binding obligation to take whatever action is required to carry out a decision taken as an enforcement measure under Chapter VII" (12). Thus the principle of political expediency took precedence over that of legality and legal validity.

The Secretary General knew of course, that the Security Council could not simply "create" a tribunal nor did it have the legislative authority to allow it to "create" international criminal law. He let this slip when he said that "in assigning to the International Tribunal the task of prosecuting persons responsible for serious violations of international humanitarian law, the Security Council would not be creating or purporting to 'legislate' that law. Rather, the International Tribunal would have the task of applying existing international humanitarian law." (13) Unfortunately this is not true. With Resolution 827 of 25 May, the Security Council implemented its nonexistent legislative powers. It suspended the application of the Geneva Convention of 12 August 1949 with additional Protocols, as well as the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, whereby prosecution is entrusted to national courts. Thus, by awarding the International Tribunal primacy over the prosecution of crimes committed on the territory of the former SFR Yugoslavia, it annulled the competence of all national courts worldwide. One has to ask in the name of what principle could the Security Council suspend and then amend international treaties of a legislative nature.

Having assumed the right to legislate, the Security Council ventured to take another step: it delegated its nonexistent legislative competency to its creature - the International Criminal Tribunal at The Hague. Under Article 15 of the Statute of the International Tribunal it authorized its judges to adopt rules of procedure and evidence for the conduct of the pre-trial phase of proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters. In this way the Security Council not only legislated, but also authorized the Tribunal to be its own legislator with regard to criminal procedural law.

With no hesitation, the International Tribunal accepted the authority to write its own laws, i.e. to issue Rules of Procedure and Evidence that were to be applied to the prosecution of subsequent cases. The Rules were adopted by February 1994, only to be amended six more times - in May and October of 1994, January and June 1995, January and April 1996. In January 1995 alone,

of the total 125 rules were amended, and almost half of the original rules were further changed by other amendments. To make matters worse, the Tribunal adjusted the Rules according to which it would pass judgment, having in mind the practical problems that arose in the course of the implementation of the Rules on pending cases.

Unfortunately, this was in breach of its own Rule No. 6, paragraph (C) whereby amendments shall not operate to prejudice the rights of the accused in any pending case. In this way certain amendments took on the character of ex post facto law. Of special interest is the manner in which the Tribunal amended its rules. Legislative bodies usually do this at public sessions, following long and exhaustive debates over every proposed article or subsequent amendment. The International Tribunal simplified this procedure. Its Rules are adopted at plenary sessions after the decision of seven judges, and according to Rule 6, paragraph (B) this can also be done otherwise, on condition the judges accept the amendment unanimously. One asks oneself what "other way" is there for an amendment to be adopted if not by debate at a plenary session. The answer is simple: the president or some Tribunal official poses an amendment to all the judges world-wide; on the same day they fax back their approval. This is the new way of creating laws by fax that could easily revolutionize the old-fashioned procedure as exercised by the British Parliament.

This was how the Tribunal at The Hague used the legislative competence that was first usurped by the Security Council and subsequently generously delegated to it. To make for even greater paradox, the Tribunal took another step: having become its own legislator it then passed part of its legislative power over to the Prosecutor in order to allow him to draw up the rules he would work by. Hence Rule 37, paragraph (A) stipulates that "the Prosecutor shall perform all the functions provided by the Statute in accordance with the Rules and such Regulations, consistent with the Statute and the Rules, as may be framed by him".

Antonio Cassese, President of the International Tribunal was well aware that never in the history of a civilized country had an individual court drawn up the rules by which it would pass judgment. This would be a dangerous breach of the principle of separation of powers between the legislature and judiciary which, according to Montesquieu, is an essential guarantee of freedom. Thus it could be said that the adoption of the Rules of the Tribunal in May 1995 represented an enterprise "for which there is no precedent at the international level." (14) Had he been less self-confident and egotistic in his unexpected role of being his own legislator, he would have had to ask himself very seriously if there could possibly be a valid reason for this unprecedented breach of a practice inviolable in any civilized country.

There are, of course, countries where judge-made law is applied, e.g. common law in England. However this law is not the fruit of a premeditated and momentary enterprise by a single court but the product of all the courts as a unified system and over a considerable period of time, lasting several centuries. This is why English judges firmly believe that they are judging according to a law that was created by others. They do not have the satisfaction that was granted Antonio Cassese, of creating the general rules according to which they will judge.

If the International Tribunal is only partially responsible for its role as legislator with regard to the adoption of its own Rules due to the fact that this "advantage" was delegated to it by the Security Council, it is generally responsible for its further delegation to the Prosecutor. This is also an enterprise unprecedented in recent history. Had the International Tribunal appreciated the equality of both parties, it should have gone one step further and authorized the defense counsel to prescribe its own general regulations for the defense of its client. This would also have represented a significant and unexpected innovation to modern criminal procedural law.

The Prosecutor as Organ of the Tribunal and as Privileged Party

The next feature whereby the Security Council and the International Tribunal "enriched" legal theory and practice was the exceptional position that was bestowed on the Prosecutor. In a well structured legal system, e.g. common law, the prosecutor is only one of two equal parties in a court dispute, so that with regards to the status of both sides - the prosecutor and the accused - and the possibility of their reaching a settlement, a criminal

pute assumes some of the aspects of a litigation. Under these circumstances the procedure becomes truly contradictory in that the two sides contest each other on a completely equal basis, whereas the court as a third, independent and unbiased party, resolves the litigation and passes judgment.

The Security Council and the International Tribunal discarded this concept of criminal litigation and the total equality of each party in order to award the Prosecutor a privileged position by making him a part of the court. In Article 11 of the Statute of the International Tribunal it is explicitly stated that the Prosecutor is an organ of the Tribunal. This is followed by a series of regulations that confirm this exceptional and obviously privileged status of the Prosecutor. Rule 33 stipulates that the registrar of the Tribunal serves not only the chambers and plenum of the Tribunal but every judge and the Prosecutor, meaning that the registrar is common to them all. Under Rule 29 the Prosecutor is given the right to summon and question suspects, victims and witnesses, record their statements, collect evidence and conduct on-site investigations. Again, in a well organized judiciary system this is done by the police up until an inquiry is instigated, whereupon it is taken over by the investigating judge. This is the only way to ensure the contradiction of procedure and the equality of both parties - the Prosecutor and accused.

However, the creators of the Statute and Rules of the International Tribunal made an unforgivable mistake. With one stroke they made the Prosecutor part of the Tribunal as well as a party before justice. Rule 2 names the prosecutor and accused as the parties, but then by virtue of a series of other regulations, their equality in the court proceedings comes under serious doubt. Thus, for instance, the Prosecutor, as a litigation party, may propose amendments to the Rules (Rule 6), while the accused and his defense counsel may not. Also, the Trial Chamber (Rule 46) may, after a warning, refuse audience to counsel if, in its opinion, his conduct is offensive, abusive or otherwise obstructive to the proper conduct of the proceedings. It occurred to none of the makers of these Rules to allow for the possible removal of the Prosecutor in the case of his behavior being offensive and abusive to the accused, his defense counsel or indeed the judges themselves. According to Rule 66 paragraph (C) the Prosecutor may, with the approval of the Trial Chamber, refuse the defense access to books, documents, photographs and tangible objects in his custody if this is considered to be contrary to public interest or affect the security interests of any state. The Trial Chamber debates this request in camera (in the absence of either party or the public) and the Prosecutor is obliged to give his reasons why this evidence (books, documents, photographs and tangible objects) should be confidential only to the Trial Chamber, meaning that the defense counsel does not have to be present.

The creators of this special position of the Prosecutor, who is at the same time part of the court and one of the two contesting parties, probably consider themselves to be very innovative. If they were better acquainted with the history of the Ottoman Empire they would remember that this position was held by Turkish Cadis (civil judges). That is why we [Serbs, who were ruled by the Ottoman Empire] have the saying: "the Cadi prosecutes you, the Cadi sentences you".

The Secrecy of the Indictment and the Unauthorized Collection of Evidence

This exceptional and in many ways unacceptable position of the Prosecutor is just one of the "innovations" by which the makers of the Statute and Rules of the International Tribunal "enriched" criminal procedural law. Another was the possibility of keeping secret the indictment trial and testimonies under conditions that spawn arbitrariness and considerable departures from the usual standards of modern procedural law. According to Rule 53 paragraph (B) the judges or the Trial Chamber can, after consulting the Prosecutor, prohibit the "disclosure of an indictment, or part thereof, or of all or any part of any particular document or information" if it is necessary "to protect confidential information obtained by the Prosecutor or is otherwise in the interests of justice". The Rule makers, however, did not deem it necessary to further define "confidential information" or "interests of justice", thereby leaving their interpretation open to the will or arbitrariness of the Prosecutor, judges and Trial Chamber.

Apart from facts, documents and information that can be concealed from the general public, there is information that can be denied the defense. This is

information whose disclosure, for any reason "may be contrary to public interests or affect the security interests of any state" (Rule 66 paragraph (C)). This can be assumed to concern information collected by the CIA, and that is why such information should be kept secret in order to hide its source, and especially the manner in which it was collected. This involves unauthorized bugging and the recording of telephone conversations, fax messages, wireless messages, filming by satellites and pilotless aircraft unauthorized to overfly the war zones in the former Yugoslavia, as well as data and information collected by secret agents disguised as humanitarian workers or employees of the UN, Red Cross and other governmental and non-governmental organizations.

There is nothing unusual in the illegal collection of information by the US, British or Russian secret services. The trouble lies in the penchant of the Prosecutor and Hague Tribunal not only to use illegally obtained information, but also by denying the public knowledge of the indictment and, trial to conceal the source of the information on which the indictment, evidence and subsequent verdict rest. With the excuse of protecting public interest and/or the security interests of a state, they are no doubt capable of going so far as to refuse the defense counsel the right to study the evidence, data, documents, photographs and tangible objects on whose existence an indictment rests. Were a prosecutor in the US to try to use unauthorized recorded telephone calls against an accused, this would be immediately rejected by the court. Unlike this civilized practice, everything was permitted to The Hague Tribunal including the use of illegally obtained intelligence data and the concealment of its source.

Continued, Unjust, Part IV: The Hunting of the Serbs

--- REFERENCES: ---

(10) This was noted by the UN Secretary General in his report S/25704 (section 18) of 3 May 1993.

(11) The Statute of the International Court of Justice at The Hague is incorporated into the UN Charter and accepted as such by the member states

(12) Report of the Secretary General S/25704 (sec 23) of 3 May 1993

(13) Ibid, sec 29

(14) Preface to a book publishing all the more important document of the International Criminal Tribunal at The Hague.

We get by with a little help from our friends...

We receive all our funding from individuals like you, that is, from people who have a critical attitude toward the Official Truth. We would like everyone to read Emperor's Clothes whether they can afford to contribute financially or not, but if you can make a contribution, please do. Recently we were shut down for almost a week by a hacker. We are taking steps to improve our security and also to increase the number of people who hear about Emperor's Clothes. These improvements cost money.

Small contributions help and so do big ones.

To make a donation, please mail a check to Emperor's Clothes, P.O. Box 610-321, Newton, MA 02461-0321. (USA)

Or click here to use our secure server.

Or call 617 916-1705 between 9:30 AM and 5:30 PM, Eastern Time (USA) and ask for Bob. He will take your credit card information over the phone.

Thanks for reading Emperor's Clothes.

www.tenc.net

[Emperor's Clothes]

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: vrijdag 29 juni 2001 15:12
Subject: Fw: YUGOSLAV DAILY SURVEY

— Original Message —

From: Ambasad SRJ - HAG <yuambanl@bart.nl>
To: a.n.p. netherland press agency <buitenland@anp.nl>
Sent: Friday, June 29, 2001 3:51 PM
Subject: YUGOSLAV DAILY SURVEY

> FEDERAL REPUBLIC OF YUGOSLAVIA
 > FEDERAL MINISTRY FOR FOREIGN AFFAIRS
 >
 >
 >
 > YUGOSLAV DAILY SURVEY
 > BELGRADE, 29 June 2001 No.3450
 >
 >
 > C O N T E N T S :
 > YUGOSLAVIA-THE HAGUE TRIBUNAL-MILOSEVIC HANDOVER
 > - MILOSEVIC TRANSFERRED TO HAGUE
 > - FEDERAL CONSTITUTIONAL COURT SUSPENDS FEDERAL GOVERNMENT DECREE
 > - SERBIAN GOVERNMENT: MILOSEVIC EXTRADITED TO INTERNATIONAL WAR CRIMES
 COURT
 > - SERBIAN PREMIER: IT WAS DIFFICULT DECISION, BUT THE ONLY RIGHT ONE
 > - "UNCONSTITUTIONAL": KOSTUNICA ADDRESSES THE NATION
 > - FEDERAL STATE IN JEOPARDY, YUGOSLAV PREMIER
 > - LABUS: THE EXTRADITION TO THE INTERNATIONAL WAR CRIMES TRIBUNAL "WILL BE
 A
 > BIG PLUS" AT THE DONORS' CONFERENCE
 > - ZIVKOVIC: COOPERATION WITH HAGUE IS YUGOSLAVIA'S INTERNATIONAL DUTY
 > - YUGOSLAV ARMY: MILOSEVIC'S EXTRADITION IN GOVERNMENT'S JURISDICTION
 > - MILOSEVIC'S EXTRADITION PROTECTS SERBIA - VICE-PREMIER
 > - SOCIALISTS, RADICALS STAGE PROTEST AGAINST MILOSEVIC EXTRADITION
 > - SOCIAL DEMOCRATIC PARTY OF MONTENEGRO: CONDEMNATION OF
 > CRIMINAL POLICIES
 > - MONTENEGRIN SOCIALIST PEOPLE'S PARTY ANNOUNCES BREAK UP OF COALITION
 TIES
 > WITH DOS
 > FOREIGN REACTIONS TO MILOSEVIC HANDOVER
 > - CARLA DEL PONTE WELCOMES MILOSEVIC EXTRADITION
 > - EUROPEAN UNION
 > - EUROPEAN COMMISSION
 > - UNITED STATES
 > - RUSSIA
 > - GERMANY
 > - FRANCE
 > - GREAT BRITAIN
 > YUGOSLAVIA-DONOR CONFERENCE
 > - DONORS' CONFERENCE FOR YUGOSLAVIA EXTREMELY WELL-PREPARED - LABUS
 > - EXPECTATIONS OF SERBIA, MONTENEGRO
 > - WORLD BANK RECOMMENDS - MOST MONEY FOR ECONOMY
 > - OPTIMISM FELT IN BRUSSELS ON EVE OF DONOR CONFERENCE FOR YUGOSLAVIA
 > YUGOSLAVIA-SUCCESSION
 > - EX-YUGOSLAV STATES AGREE ON ASSETS
 > YUGOSLAVIA-BILATERAL RELATIONS
 > - SERBIAN DEPUTY PREMIER RECEIVES JAPANESE EMBASSY ADVISOR
 > - NEW YUGOSLAV AMBASSADOR TO CUBA PRESENTS CREDENTIALS
 > REPUBLIC OF MONTENEGRO
 > SERBIA, MONTENEGRO NEED INTEGRATION, NOT SEPARATION, DPS DEPUTY LEADER
 >
 >
 > YUGOSLAVIA-THE HAGUE TRIBUNAL-MILOSEVIC HANDOVER
 >

MILOSEVIC TRANSFERRED TO HAGUE

THE HAGUE, June 29 (Tanjug) - Former Yugoslav president Slobodan Milosevic

- > arrived by helicopter at the Scheveningen prison of The Hague tribunal at
- > around 0130 hrs Friday, Tanjug's correspondent reported.
- > Hague tribunal spokesman Jim Landale confirmed that Milosevic had got to
- > the detention unit.
- > Milosevic was late Thursday transferred from Belgrade to the U.S.
- > military
- > base in Tuzla, and then flown by plane to a military airfield near The
- > Hague.
- > He was eventually airlifted by helicopter to the remand prison of The
- > Hague
- > war crimes tribunal, where he will answer charges of crimes against
- > humanity
- > and violations of customs and laws of war.

> FEDERAL CONSTITUTIONAL COURT SUSPENDS FEDERAL GOVERNMENT DECREE

- > BELGRADE, June 28 (Tanjug) - The Federal Constitutional Court Thursday
- > ordered the suspension of the execution of any acts and all actions taken
- > in
- > keeping with the federal government Decree on procedures for cooperation
- > with The Hague tribunal, acting on Article 132 of the Yugoslav
- > Constitution.
- > Deciding to open the procedure for evaluating the constitutionality and
- > legality of the decree, the Court decided to unite all submitted
- > initiatives
- > for evaluation of the decree's constitutionality into one case, in order
- > to
- > conduct a single procedure and pass a single ruling.
- > Judges decided to open a public debate on this important legal issue, and
- > invited prominent legal experts to participate.
- > It was decided at the session that a ruling would be passed on this issue
- > as soon as possible, considering the importance of this act.

> SERBIAN GOVERNMENT: MILOSEVIC EXTRADITED TO INTERNATIONAL WAR CRIMES COURT

- > BELGRADE, June 29 (Beta) - Former Yugoslav president Slobodan Milosevic
- > was handed over on June 28 to the International Criminal Tribunal for the
- > Former Yugoslavia, after the Serbian government decided to apply the
- > tribunal's statute.
- > The Serbian government decided to extradite Milosevic after the Yugoslav
- > constitutional court temporarily suspended on June 28 the government's
- > decree on cooperation with the ICTY until it could establish its
- > constitutionality.
- > The court said "the application of the decree before its
- > constitutionality
- > is established will cause irreparable harm."
- > All four of the court's judges voted for the decision. These judges were
- > elected during former Yugoslav president Slobodan Milosevic's regime.
- > The ICTY indicted Milosevic on May 24, 1999 for war crimes and crimes
- > against humanity in Kosovo.
- > Serbian Premier Zoran Djindjic told journalists that the government
- > decided
- > at an extraordinary session on June 28 to fulfil its obligations towards
- > the
- > ICTY and that the decision to extradite Milosevic had immediately taken
- > effect and was posted in the Serbian official gazette.
- > Djindjic said the Serbian government found the constitutional court's
- > decision "invalid" and that "the constitutional court, given its makeup,
- > has
- > no right to decide on the constitutionality of the federal government's
- > decisions," referring to the fact that the court's judges had been
- > appointed
- > under Milosevic.
- > "Weighing the damage that our country faces against other options, we
- > opted
- > to apply article 135 of the Serbian constitution which says that the
- > Serbian
- > authorities can take over federal prerogatives in cases in which federal
- > institutions are not functioning in the interest of the republic,"
- > Djindjic
- > said.

He said 21 of 23 members of government supported the June 28 decision. Djindjic said 15 members (deputy premiers and ministers) attended the June 28 government session and that all of them supported it except for Health Minister Obren Joksimovic (a member of the Democratic Party of Serbia). Djindjic said DOS's federal ministers had sent letters of support. He said another reason for the decision was the up-coming donors' conference for Yugoslavia, but that the chief reason was the threat of international isolation.

> SERBIAN PREMIER: IT WAS DIFFICULT DECISION, BUT THE ONLY RIGHT ONE

> BELGRADE, June 28 (Beta) - Serbian Premier Zoran Djindjic said that the Serbian government was forced to extradite Milosevic to protect Serbia's interests.

> "Cutting off cooperation with the tribunal or postponing it would have had unforeseeable consequences for our country's future," Djindjic said in a televised address to the nation.

> He asked citizens to have understanding for what he called, "a difficult decision, but the only right one."

> "We believed that the adoption of a bill in parliament to regulate cooperation with the tribunal was the best solution. Due to difficulties with out coalition partners in the federal government we failed to reach agreement on the bill. Obviously, our federal institutions have not been fully reformed, they are not completely capable of understanding and supporting the interests of both republics in the federation in times of crisis," Djindjic said.

> "UNCONSTITUTIONAL": KOSTUNICA ADDRESSES THE NATION

> BELGRADE, June 28 (B92) -Vojislav Kostunica appeared on national television in Serbia shortly before midnight tonight. The full text of his address was as follows:

> I address you in a very difficult, almost fateful moment for our country. Along with the many problems we face and which we inherited from the previous regime and those connected with that regime which kept us in isolation for a number of years, and our time under bombs, we now face a problem which has been unnecessarily and carelessly created here.

> The extradition tonight to The Hague of the former Yugoslav president, and the earlier extradition of Milomir Stakic, cannot be regarded as legal or constitutional. The Federal Constitutional Court brought a temporary order suspending the decree on cooperation with the Hague Tribunal pending a final ruling on the constitutionality of the document and, if there were elementary respect for legal procedures, that measure should have been respected. This can be interpreted as seriously jeopardising the constitutional order of our country. The legal state which was the policy not only of the Democratic Party of Serbia but of the whole of DOS, cannot be built on injustice.

> Now the most undemocratic elements of Milosevic's own policy, which was really pestilential for the state and the people, have been used here: lawlessness and careless, humiliating steps which have not even been asked for directly by anybody from the international community. Cooperation with The Hague, which was of course necessary, has come down to the mere extradition of the accused without any protection for the citizens and, in the end, without any protection for the interests of the state itself.

Even basic procedures were not respected, as though somebody here, rather than somebody abroad, was in a hurry to meet, as soon as possible, an obligation undertaken who knows when and who knows to whom.

> Everything has been tried, everything has been proposed - under federal legislation, under federal or republic legislation, under republic legislation alone, then by decree of the federal government - to regulate the difficult matter of our cooperation with The Hague. I will not mention the fact that regardless of the many demands I, and not only I have made, the opportunity for those of our citizens who brought evil on us most of all, to be prosecuted within the country.

> All of this, however, pales before the most direct offence on the law and all attempts to regulate cooperation legally, in order to protect our citizens, has been rendered completely pointless. Even worse, an attack has

been made on the rule of justice, as well as on the federation. The Socialist People's Party, unfortunately, has contributed to that through its

- > unwillingness to cooperate.
- > We cannot go forward on this path into the future, Europe or the world.
- > Without a prosperous and dignified state which offers legal and every other
- > kind of security to its citizens we will not go much further. Yugoslavia and
- > Serbia deserve better.
- > Now we must face, without hesitation and with cool heads, the consequences
- > of these moves and prevent the worst moves to seriously jeopardise the state
- > and the citizens and the peace which has already been badly shaken in our
- > region.
- > I shall do everything within my power to prevent the worst and preserve the
- > unity of the state and the interests of the citizens and to ensure that all
- > the positive achievements so far in cooperation with the international
- > community are continued on a healthy basis in international law.
- >
- > **FEDERAL STATE IN JEOPARDY, YUGOSLAV PREMIER**
- > **BELGRADE, June 28 (Tanjug) - Yugoslav Premier Zoran Zizic told Tanjug**
- > **that**
- > the extradition on Thursday of the former Yugoslav head of state Slobodan
- > Milosevic to The Hague tribunal threatened the foundations of the federal
- > state, making practically impossible coalition cooperation in the state
- > top.
- > The Serbian government decision on the extradition of Milosevic and its
- > urgent implementation have violated the Yugoslav constitution, Zizic said.
- > He said that "the consequences of the Thursday developments will be
- > reviewed at the Friday session of federal government, and at the session
- > of
- > the Socialist People's Party (SNP) main board, a partner of the Democratic
- > Opposition of Serbia in federal government.
- > Zizic, representative of SNP in the coalition federal government, said he
- > will take his final decision on the further functioning of the government
- > after meeting with Yugoslav President Vojislav Kostunica, who entrusted him
- > with the mandate of prime minister.

>

> **LABUS: THE EXTRADITION TO THE INTERNATIONAL WAR CRIMES TRIBUNAL "WILL BE A BIG PLUS" AT THE DONORS' CONFERENCE**

- > **BELGRADE, June 29 (Beta) Miroslav Labus, the Yugoslav deputy prime**
- > **minister, said late on June 28 that Milosevic's extradition to the**
- > **international war crimes tribunal "will be a big plus" at the donors'**
- > **conference for Yugoslavia.**
- > "The people in Brussels had already begun thinking that we do the
- > opposite
- > of what we say. Our country's international position will become
- > stronger,"
- > Labus told Serbian state TV.
- > He said Milosevic was a part of Yugoslavia's past, which was why everyone
- > should calmly accept his extradition.
- > "We must secure conditions for people to work in peace and make money, so
- > that the future can be worthy of our children," Labus said.

>

> **ZIVKOVIC: COOPERATION WITH HAGUE IS YUGOSLAVIA'S INTERNATIONAL DUTY**

- > **BELGRADE, June 28 (Tanjug) - Yugoslav Interior Minister Zoran Zivkovic**
- > **said**
- > on Thursday that the Serbian government's decision to hand over former
- > Yugoslav President Slobodan Milosevic to the Hague war crimes tribunal had
- > resulted from the country's international obligations.
- > "As a UN member, we have an international obligation and we have to
- > observe
- > even the things that are not too pleasant," Zivkovic told Serbian Radio-TV
- > and added that cooperation with the Hague tribunal belonged to the
- > UN-verified decisions.

>

> **YUGOSLAV ARMY: MILOSEVIC'S EXTRADITION IN GOVERNMENT'S JURISDICTION**

BELGRADE, June 28 (Tanjug) - The Yugoslav Army has no reason to comment on

> the Serbian government's decision to extradite former Yugoslav President Slobodan Milosevic to the Hague war crimes tribunal, since this is in the jurisdiction of the state and judicial organs, sources at the Yugoslav Army

> General Staff told Tanjug late on Thursday.

> "The decision and its realisation are up to the republican government and,

> pursuant to the Yugoslav constitution, the Yugoslav army is not in any way connected with this."

> Tanjug has learnt that all Yugoslav Army units are doing their regular duties.

>

> MILOSEVIC'S EXTRADITION PROTECTS SERBIA - VICE-PREMIER

> BELGRADE, June 28 (Tanjug) - The extradition of Slobodan Milosevic to the

> Hague-based war crimes Tribunal for the former Yugoslavia under a Serbian

> government decision is designed to protect a future Serbia and its

> generations, according to Serbia's vice-premier on Thursday.

> "We have been haunted too long by the ghost of collective responsibility

> because the one who was chiefly responsible was never brought to account",

> Zarko Korac told Tanjug, referring to Milosevic, who was for more than ten

> years the president of first Serbia and then Yugoslavia.

> Korac said the government's decision to apply the Tribunal's Statute

> directly was in line with the Serbian Constitution.

>

> SOCIALISTS, RADICALS STAGE PROTEST AGAINST MILOSEVIC EXTRADITION

> BELGRADE, June 29 (Beta) - The Socialist and Radical parties held a rally

> in central Belgrade on June 28, to protest the extradition to the Hague tribunal of Slobodan Milosevic.

> Speaking before a crowd of about 3,000, Socialist Vice-President Ivica

> Dacic and Radical leader Vojislav Seselj called another protest rally for

> June 29 outside the Yugoslav Parliament building.

> Socialist officials said earlier that the Milosevic extradition was in

> violation of the Yugoslav constitution, and that it meant the start of the

> Yugoslav government's break up, and eventually the country's break up.

> Radical leader Seselj said on the Milosevic extradition that all involved in the "coup d'etat should be arrested immediately," and that the

Yugoslav

> Parliament should appoint at its next session a "national unity government."

> Another Socialist vice-president, Zivadin Jovanovic, accused Yugoslav

> President Vojislav Kostunica and Serbian Premier Zoran Djindjic of

"bearing

> the responsibility" for extraditing Milosevic to The Hague.

> The former Yugoslav president's supporters chanted in reply, "Uprising!,

> Uprising!," and "Betrayal! Betrayal!" The Socialist official called on the

> Serb Unity Party and Serbian Renewal Movement leaders to join the protests

> drawing shouts of approval from the crowd.

> The ousted Yugoslav president's supporters were very aggressive toward

> Belgrade media reporters. They physically assaulted a BETA reporter and a

> Fonet agency photo-reporter. The rally ended however without any major incidents.

>

> SOCIAL DEMOCRATIC PARTY OF MONTENEGRO: CONDEMNATION OF CRIMINAL POLICIES

> PODGORICA, June (Beta) - Dragisa Burzan, a senior party official, said

> Milosevic's extradition "is a condemnation of criminal policies."

> He told journalists in the Montenegrin legislature that Milosevic's

> extradition to the international war crimes tribunal "simultaneously offers

> hope to the citizens of Serbia that they will finally acquire an image in

> the world."

> Burzan said that Montenegro could now begin a peaceful process to

> attain independence.

>

> MONTENEGRIN SOCIALIST PEOPLE'S PARTY ANNOUNCES BREAK UP OF COALITION TIES

> WITH DOS

> BELGRADE, June 29 (Beta) - The Socialist People's Party of Montenegro

> announced on June 28 the break up of coalition ties with DOS because of the

> Serbian government's decision to surrender Slobodan Milosevic to the Hague

tribunal.

> "The Serbian government has, with its decision, attempted to topple the Federal Republic of Yugoslavia. Bearing in mind the consequences of such a decision, the Socialist People's Party will reconsider their coalition with

> DOS. The Socialist People's Party is concerned about the future of the federation, and believes that the Serbian government's decision represents the end of the federation," executive member Dragan Koprivica told BETA. He

> called on all factions in DOS "that are supposed to be led by Yugoslav President Vojislav Kostunica to fight for a democratic Serbia, and for the survival of a democratic Federal Republic of Yugoslavia as the democratic union between Serbia and Montenegro."

> FOREIGN REACTIONS TO MILOSEVIC HANDOVER

> CARLA DEL PONTE WELCOMES MILOSEVIC EXTRADITION
> HAGUE, June 29 (Beta) - The Hague tribunal chief prosecutor Carla del Ponte welcomed on June 28 the Serbian government's decision to surrender Slobodan Milosevic, calling it an important milestone for international criminal justice.

> In a written statement, the court's chief prosecutor stressed that the transfer of Milosevic to The Hague was not the end but the beginning of a procedure in which a lot more has to be done to reach a just end.
> Carla del Ponte praised the contribution of U.N. member countries that supported, and assisted the June 28 transfer of Slobodan Milosevic.

> EUROPEAN UNION

> BRUSSELS June 28 (Beta) - E.U. spokesman Gunar Vigand told BETA that the delivery of Milosevic to The Hague honoured international laws and justice.

> The E.U. spokesman said, "it was the right move," which will have a positive effect on the outcome of the donors' conference for the economic and democratic reconstruction of Yugoslavia.

> EUROPEAN COMMISSION

> BRUSSELS, June 28 (Tanjug) - European Commission President Romano Prodi welcomed the Thursday extradition of former Yugoslav President Slobodan Milosevic to The Hague war crimes tribunal and congratulated Yugoslav authorities on the way they had handled the matter.
> Prodi said he had always trusted in the Serbian democracy and that the latest developments had reaffirmed this trust.

> UNITED STATES

> WASHINGTON, June 28 (Beta) - U.S. President George W. Bush hailed the Serbian government's handover of former Yugoslav president Slobodan Milosevic to The Hague tribunal, and pledged continued U.S. support for Yugoslav reforms.

> In a White House statement, Bush described the Milosevic extradition as a message that all those who have brought tragedy and violence to the Balkans will face justice.

> President Bush said the U.S. was ready to help Yugoslavia on the road of economic and democratic reforms.

> RUSSIA

> MOSCOW, June 29 (AFP) - Russia has warned that the transfer of Slobodan Milosevic to The Hague could lead to instability in Yugoslavia.

> Foreign minister Igor Ivanov said in a statement today: "Everything that is

> happening at the moment with regard to Milosevic confirms that contradictions are mounting within the internal democratic forces" of Yugoslavia.

> "Without doubt, this is playing into the hands of the separatists in Kosovo

> and Montenegro who want to leave the Yugoslav Federation.

> "They will certainly be quick to exploit the situation, and if events continue to develop in this way, it is not hard to see where they will lead."

> GERMANY

> BERLIN, June 28 (Beta) - Chancellor Gerhardt Schroeder welcomed the

Serbian

> government's decision to surrender Slobodan Milosevic.

> "It is a great success in international efforts to reach justice. With this

> step, which definitely was not easy, Yugoslavia met its legal obligations on

> tribunal cooperation. The international community should act quickly, and

> strongly endorse the process of Yugoslavia's

> economic and social recovery. Germany is ready to make its contribution,"

> Schroeder emphasized.

>

> FRANCE

> PARIS, June 28 (Beta) - President Jacques Chirac maintained that the

> delivery of Milosevic would send a strong message about human dignity.

> "Milosevic, who is indicted for war crimes and crimes against humanity,

> will finally answer for his crimes. His transfer to the international

> criminal tribunal is an act of justice," Chirac said in a statement in

> Paris.

>

> GREAT BRITAIN

> LONDON, June 28 (Beta) - Prime Minister Tony Blair called the Milosevic

> extradition "very good news."

>

> YUGOSLAVIA-DONOR CONFERENCE

>

> DONORS' CONFERENCE FOR YUGOSLAVIA EXTREMELY WELL-PREPARED - LABUS

> BRUSSELS, June 28 (Tanjug) - Yugoslav Deputy Prime Minister Miroslav

Labus

> said on Thursday that the Brussels donors' conference for Yugoslavia, to be

> held on Friday, had been very well-prepared and that he hoped that the

> targeted 1.25 billion dollars would be collected.

> Labus, who heads the Yugoslav delegation to the conference, said he was

> optimistic for a number of reasons. In a statement to Tanjug and Serbian

> Radio-TV, he described the participation of all announced parties in the

> conference as very important.

> This means that their participation would confirm their support both to

> economic reforms in Yugoslavia and the country's diplomacy, he said.

> Labus said that the World Bank and the European Commission, who co-organise

> the conference and act as donors themselves, had said in all talks in

> Brussels in the past two days that they were impressed with the speed of

> economic reforms in Yugoslavia.

> "They all respect Yugoslavia's position in the Balkans and stress that our

> country is becoming an unavoidable factor of stability and peace in the

> entire region," Labus said.

> Commenting on Washington's decision to participate in the donors'

> conference, Labus said that this was certainly a positive signal and an

> encouragement to other donors, especially those who were uncertain regarding

> their participation until the last minute.

>

> EXPECTATIONS OF SERBIA, MONTENEGRO

> BRUSSELS, June 28 (Tanjug) - We hope that Yugoslavia, at the donors

> conference on Friday in Brussels, will raise the planned sum of about one

> billion 250 million dollars, of which Serbia stands to gain over a billion

> dollars, Serbian Foreign Trade Minister Goran Pitic said.

> He described, in a telephone interview from Brussels with the Voice of

> America, the decision of the United States to take part in the donors

> conference as acknowledgement of what is being done in Yugoslavia and of the

> efforts of the new democratic authorities to make Yugoslavia a part of the

> international community.

> Montenegrin Finance Minister Miroslav Ivanisevic said that Montenegro in

> the next four years intended to apply for the realization of projects

> totalling 470 million dollars.

>

> WORLD BANK RECOMMENDS - MOST MONEY FOR ECONOMY

> BRUSSELS, June 29 (Tanjug) - The World Bank and European Commission

> proposal for the global distribution of the raised funds, which are to be

> invested in Yugoslavia during the year, will be presented on Friday to the

Donor Conference participants, with the recommendation that most of the money should be invested in Yugoslavia's economy.

- > According to the proposal, 800 million dollars, out of the total of 1,35 billion, are to be invested in the Yugoslav economy. An approximate sum of 350 million is targeted for non-economic activities and 200 million for the macro-economy.

- > In sector distribution of the raised funds, the World Bank and European Commission place the power industry in the first place of Yugoslav priorities and suggest an approximate investment of 260 million dollars.
- > Transportation is in the second place, with more than 200 millions, pensions are in the third place, after which follow the budget, private sector, education, agriculture, health, environmental protection, water resources management, finances and telecommunication.

> OPTIMISM FELT IN BRUSSELS ON EVE OF DONOR CONFERENCE FOR YUGOSLAVIA

- > BELGRADE, June 28 (Tanjug) - The mood in Brussels on the eve of a donor conference for Yugoslavia is one of optimism about a successful outcome of the gathering, which could raise 1.3 billion dollars for Yugoslavia, officials in Belgrade said on Thursday.

- > According to figures released at a foreign ministry briefing, the number of potential donors will exceed expectations, with 270 applications received and others pouring in. Brussels had originally estimated attendance at 200 potential donors.

- > The conference is lauded in Brussels as a turning point in Yugoslavia's economic and social recovery. It should focus on capital investment projects, but social projects are not likely to be ignored, either, being crucial to the success of the reforms.

> YUGOSLAVIA-SUCCESSION

> EX-YUGOSLAV STATES AGREE ON ASSETS

- > VIENNA, June 29 (B92) - The five states of the former Yugoslavia have today signed an accord dividing up its assets.

> YUGOSLAVIA-BILATERAL RELATIONS

> SERBIAN DEPUTY PREMIER RECEIVES JAPANESE EMBASSY ADVISOR

- > BELGRADE, June 28 (Tanjug) - Serbian Deputy Premier Jozef Kasa on Thursday informed Japanese Embassy advisor Hitoshi Kawahara about the economic potentials of Serbia and especially its northern Backa region.
- > Kasa officially invited the Japanese Ambassador to Yugoslavia to visit Serbia's northern province of Vojvodina and to get a first-hand insight into the possibilities for Japanese economy's investments, the Serbian government's press service said in a statement.
- > The invitation was accepted with pleasure and a Japanese delegation will visit Novi Sad and Subotica in the course of next week, the statement said.

> NEW YUGOSLAV AMBASSADOR TO CUBA PRESENTS CREDENTIALS

- > Belgrade, 28 June (Tanjug) - The new Yugoslav ambassador to Cuba, Ljiljana Kadic, presented credentials to Juan Almcida Bosc, Cuba's State Council vice-president, the Federal Ministry for Foreign Affairs reported on Thursday.
- > A readiness for further development of relationship between the two countries was stressed during the talks, the statement also said.

> REPUBLIC OF MONTENEGRO

> SERBIA, MONTENEGRO NEED INTEGRATION, NOT SEPARATION, DPS DEPUTY LEADER

- > PODGORICA, June 28 (Tanjug) - Montenegro should find democratic models of life with Serbia in the two republics' common future, Democratic Socialist Party (DPS) Deputy President Svetozar Marovic said on Thursday.
- > "Civilized nations do not separate, but seek bridges of togetherness, and we, especially, have reasons for that", Marovic said in an interview with the Podgorica daily Glas Crnogoraca.
- > Marovic went on to note that the future of Montenegro and Serbia must rely

on European, integrational processes - on integration, not separation.
> "This is why I believe in a concept of a prospective union of states,
with
> common functions, better material and social conditions, a common customs
> union, and a single international subject of law that will, in line with
an
> agreement between Serbia and Montenegro, be represented in the world,
> because Montenegro and Serbia are states, and everyone recognizes that,"
> said Marovic, a former Montenegrin parliament speaker.

>
>
>
>

> Embassy of the F. R. of Yugoslavia
> Groot Hertoginnelaan 30
> 2517 EG Den Haag
> tel: 070-3636800, 3632397
> fax: 070-3602421
> e-mail: yuambanl@bart.nl
> web site: <http://bart.nl/~yuambanl>
> <http://users.bart.nl/~yuambanl>

>
>
>

'Ongeloofwaardig zijn de landen die Karadžić niet halen'

Door onze redacteur
Z.C.A. LUYENDIJK

WASSENAR, 2 AUG. Emeritus-hoogleraar internationaal humanitair recht prof. Frits Kalshoven vindt het „geen schande” dat de voormalig Bosnisch-Servische president Radovan Karadžić en legerleider Ratko Mladić nog niet in het speciale cellencomplex van de Scheveningse gevangenis wachten op hun berechting voor het VN-tribunaal voor oorlogsmisdadigers in voormalig Joegoslavië. „Het tribunaal wordt er geen seconde minder geloofwaardig door”, zegt hij geïrriteerd, alsof dat verwijt hem voortdurend voor de voeten wordt geworpen. „Ongeloofwaardig wordt alleen de internationale gemeenschap, die haar nek niet wil uitsteken om Karadžić en Mladić te halen.”

Kalshoven stond aan de wieg van het tribunaal als voorzitter van een *fact finding*-commissie van de VN naar oorlogsmisdaden in voormalig Joegoslavië. Hij stopte vroegtijdig met het werk uit „ergernis en frustratie” over de geringe bereidheid bij de VN en sommige lidstaten om de commissie te steunen. Hij rapporteerde nog wel dat het aantal schendingen van de mensenrechten in het gebied zeer omvangrijk was.

Een beetje teleurgesteld is Kalshoven dan ook wel dat de landen die het tribunaal hebben opgericht zo weinig doen om het verder te helpen. Aan de andere kant is het tribunaal volgens hem heel goed in staat zelfstandig verder te functioneren. „De geloofwaardigheid van het tribunaal is niet afhankelijk van de berechting van Karadžić en Mladić”, zegt hij. „De mogelijkheden van het tribunaal zijn afhankelijk van de omstandigheden: vóór de Dayton-akkoorden was er oorlog in voormalig Joegoslavië, daarna wilde geen van de partijen aangeklaagden uitleveren voor berechting, terwijl dat volgens de Dayton-akkoorden wel zou moeten.

„Het tribunaal doet intussen ongelooflijk veel. Ze hebben een indrukwekkende serie aanklachten geproduceerd, ze hebben een stuk of wat van die aanklachten weten te bevestigen en internationale arrestatiebevelen uitgevaardigd. Het tribunaal heeft ook een aantal essentiële en moeilijke beslissingen genomen: bijvoorbeeld dat het wel degelijk gaat om een internationaal conflict zodat de conventies van Genève van toepassing kunnen worden verklaard. Maar het tribunaal heeft geen eigen gewapende macht om verdachten te gaan halen.”

Zou die er niet moeten komen?

(spottend). „Die macht zou dan behoorlijk sterk moeten zijn. Maar nee, het tribunaal blijft afhankelijk van de partijen zelf of van de gewapende arm van de rest van de wereld voor de uitlevering van verdachten. Een vergelijkbare situatie geldt overigens voor Nederlandse rechtscolleges. Die zijn ook afhankelijk van wat de politie kan. Wij hebben in Nederland wel de mogelijkheid van een veroordeling bij verstek, al is dat een voorlopig vonnis. Als de veroordeelde terugkomt moet er een nieuwe rechtszaak volgen.”

Waarom beschikt het tribunaal niet over de mogelijkheid verdachten bij verstek te veroordelen?

„Omdat men de schijn van politieke processen wilde vermijden. Er is wel een procedure gekomen waarbij aanklachten worden bevestigd na een presentatie van het bewijsmateriaal door de aanklager. De rechter kan daarna een internationaal arrestatiebevel uitvaardigen. Daarmee verlam je een verdachte: hij kan geen kant meer op. Deze zogenoemde artikel 61-procedures zijn uitdrukkelijk geen proces. Het blijft een procedure tegen een verdachte waarvan de onschuld moet

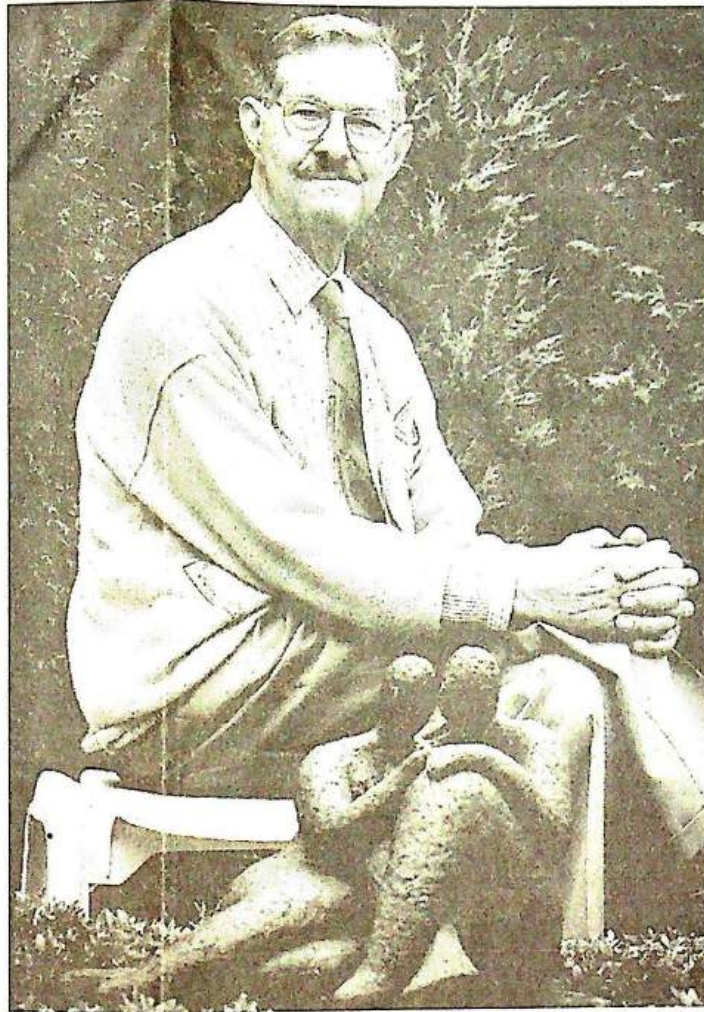
worden aangenomen zolang zijn schuld niet bewezen is.”

Heeft het tribunaal niet te weinig waarde als uitsluitend de 'kleine jongens' worden berecht?

„Het is zeker niet zo dat het tribunaal waardeloos is als alleen de 'kleine' misdadigers worden berecht. Ik blijf van mening dat het tribunaal niet uitsluitend in het leven is geroepen om de 'grootste schuldigen' te berechten. Het doel van het tribunaal is de verschillende stromingen van misdadigheid aan het licht te brengen. Er zijn veel schuldigen op verschillende niveaus. Het tribunaal moet duidelijk maken dat het internationaal humanitair recht niet straffeloos geschonden kan worden. Dat betekent uiteraard ook dat tegen 'hogeren' aanklachten moeten komen. Je kan niet volstaan met individuele dadertjes, wanneer de hele wereld weet dat hun activiteiten bevorderd werden door hun leiders.”

Wat zou u nu de Westerse politieke leiders die tot de oprichting van het tribunaal hebben besloten, vertellen over de effectiviteit van hun creatie?

„Ik zou ze er aan herinneren dat ze de rechtsorde wilden handhaven, maar ook dat ze aan hun creatie onvoldoende gevolg hebben gegeven. De enige macht die de Veiligheidsraad, die het tribunaal heeft ingesteld, aan de president van het tribunaal heeft gegeven, is het recht de raad te informeren over de nalatigheid van sommige staten om mee te werken. Eigenlijk was bij de oprichting van het tribunaal al duidelijk dat de leden van de Veiligheidsraad niet bereid waren verdachten te gaan halen. Ik herinner me een gesprek met een Britse onderminister, die meende dat het tribunaal een volstrekt irreële aangelegenheid was omdat de leiders toch niet zou-



Prof. F. Kalshoven. (Foto NRC Handelsblad/ Vincent Mentzel)

den worden berecht. Ik zei hem dat je niet kon weten hoe de situatie zou kunnen veranderen. Zijn uitspraak is tekenend hoe politici een situatie vaak uitsluitend zien zoals die op dat moment is. Maar goed, hij had

in zekere zin gelijk: toen de oorlog bezig was kon je natuurlijk weinig verwachten, hoewel de media daar anders over dachten, tot mijn grote irritatie. Het Amerikaanse blad Newsweek heeft mij toen aange-

haald met de uitspraak: *Anyone who expects a conviction soon, is an idiot.*”

En die uitspraak geldt nog steeds?

„De uitspraak geldt nog steeds, ja, zeker als je nagaat wat de aanklager allemaal moet verifiëren om een aanklacht voor elkaar te brengen en hoe het nog veel moeilijker is voor de verdediging om getuigen en documenten te vinden — ze moeten soms letterlijk bij de duivel te biecht gaan.

„Daarnaast is het tribunaal een gloednieuw rechtsorgaan met kersverse procedureregels, die nog niet volledig uitgekristalliseerd zijn. Dat vergt tijd, tijd en nog eens tijd. Verschillende rechtssystemen zijn bewust door elkaar gegooid zodat niet één systeem zou overheersen, want dat zou het tribunaal verweten kunnen worden.”

Onderschrijft u het tribunaal?

„Ja, al is het wel een laatste middel tegen oorlog. Je past het toe als al het andere gefaald heeft. Een oorlog moet in eerste instantie voorkomen worden. Is dat niet gelukt, dat moet de oorlog zo kort mogelijk worden en zo weinig mogelijk slachtoffers vergen. Dat alles moet je vooral doen door instructie vooraf, door opvoeding. Pas in laatste instantie moet je recht spreken. Mijn inspanningen zijn er altijd op gericht geweest de naleving van het humanitaire recht zoveel mogelijk te bevorderen.”

Bent u een voorstander van een permanent tribunaal?

„Absoluut. Zo'n tribunaal is volgens mij ook niet meer zo waanzinnig ver weg, al zal het een lange tijd duren voordat de rechtsmacht door een groot aantal landen is erkend wanneer het er eenmaal is. Maar ook voor dat tribunaal zal gelden:

hoe moeilijker de situatie, hoe moeilijker het zal worden verdachten te berechten.”

Het tribunaal heeft nogal wat rumoer gemaakt rond de artikel 61-hoorzittingen vorige maand over de aanklachten tegen Karadžić en Mladić. Moet het tribunaal publiek niet terughoudend zijn?

„Aandacht hebben ze nodig, anders krijgen ze geen centjes. Ze blijven van dag tot dag afhankelijk van de algemene vergadering. Bij de VN moet alles krimpen en bezuinigen en in dat klimaat moet het tribunaal zijn steeds zwaardere taak vervullen.”

Wanneer is volgens u het tribunaal mislukt?

„Het tribunaal is in eerste instantie eindig. Het gaat namelijk door zolang de Veiligheidsraad dat wil. De Veiligheidsraad kan besluiten het op te heffen. Als de Veiligheidsraad dat doet omdat het tribunaal, inclusief de aanklager, er niet in is geslaagd iets zinvol tot stand te brengen, is het jammerlijk mislukt. Maar er is een ander scenario denkbaar. Als de aanklager bijvoorbeeld doet, wat al geruime tijd een gerucht is, namelijk een aanklacht indienen tegen de Kroatische president Tudjman en zijn militaire top, en de Veiligheidsraad besluit op dat moment het tribunaal op te heffen, dan is het tribunaal niet mislukt: dan ligt de aansprakelijkheid daarvoor bij de Veiligheidsraad. Bij de beoordeling van de geloofwaardigheid van het tribunaal komt het er steeds op aan wat het doet of nalaat.

„Daar waar opzettelijk gekozen handelingen van het tribunaal een gevaar zouden opleveren voor de vrede, zou het in strijd komen met de doelstellingen van de Verenigde Naties. Maar de aanklager noch de president van het tribunaal zou zich ook maar één seconde mogen laten intimideren door politici die dit be-

Het Joegoslavië-tribunaal dient meer doelen dan de berechting van oorlogsmisdadigers alléén. Het fungeert ook – of vooral – als proeftuin voor de verdere ontwikkeling van het internationaal recht. Wil dit experiment enige kans van slagen hebben, moet het tribunaal vooral geloofwaardig zijn, menen **René Grémaux** en **Abe de Vries**. En daaraan schort nog het een en ander.

Tribunaal moet vertrouwen van Servië winnen

EEN ad hoc-tribunaal voor oorlogsmisdaden is in verscheidene opzichten een waagstuk. Er moet een waarschuwing van uitgaan: recht gaat boven macht. De slachtoffers verwachten bovendien genoegdoening.

Anderzijds is in de rechtsgang de grootst mogelijke zorgvuldigheid vereist. Iedere schijn van politiek misbruik moet worden vermeden. Alleen al de indruk van partijdigheid kan funest zijn.

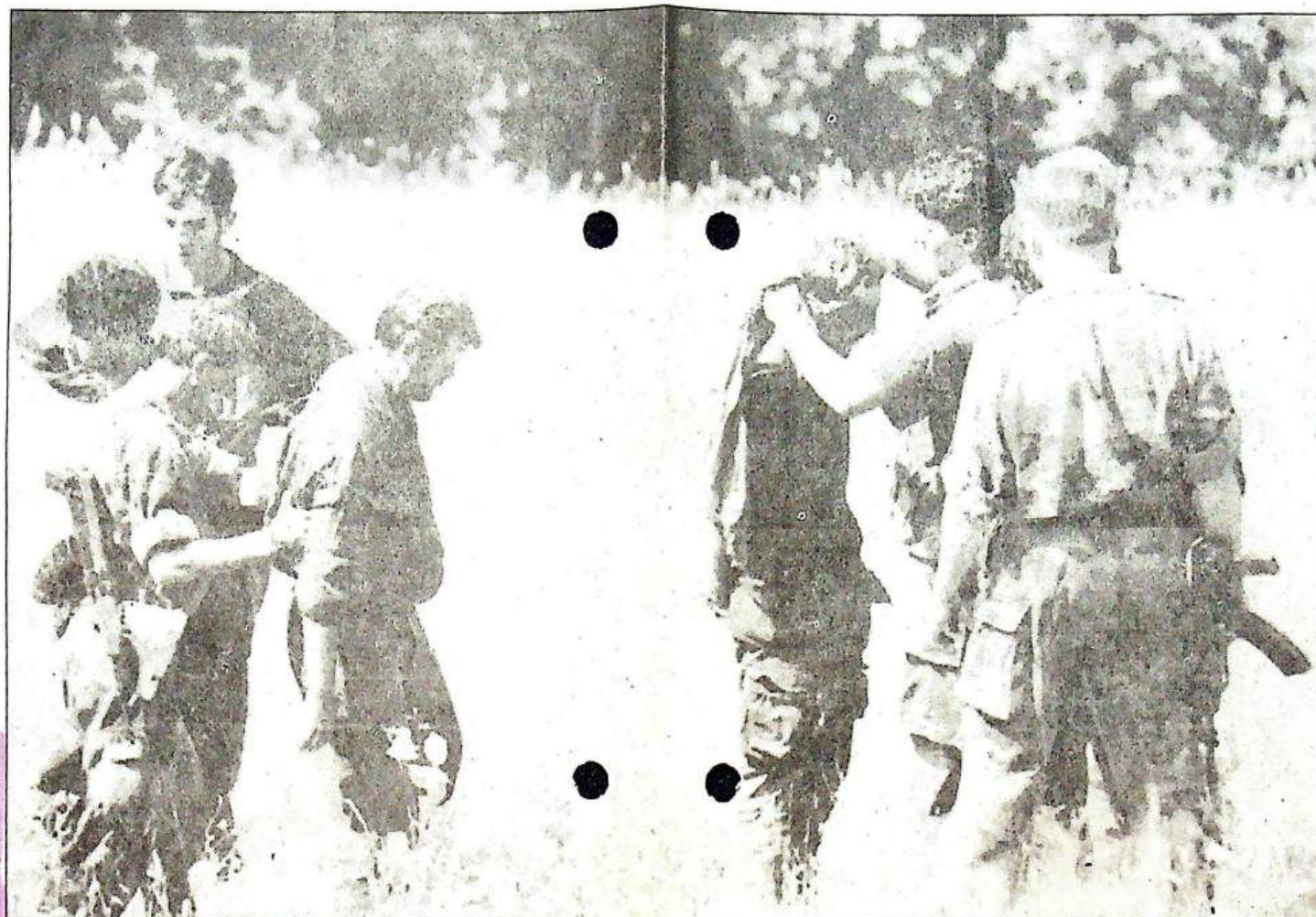
Als niet aan deze voorwaarden wordt voldaan, kan dit de geloofwaardigheid van het tribunaal ernstig ondermijnen – en dat doet weer de kansen afnemen op een voor spoedige ontwikkeling van een respectabel bovennationaal strafrecht. In dit licht bezien, verdient het in 1993 door de Veiligheidsraad ingestelde internationale tribunaal voor oorlogsmisdaden in het voormalige Joegoslavië helaas geen schoonheidsprijs.

Het is gebouwd op juridisch drijfzand, zoals verschillende rechtsgelcerden meteen na de oprichting lieten weten. Het VN-Handvest stelt uitdrukkelijk dat de volkerenorganisatie de soevereine rechten van staten op het gebied van de criminele rechtspraak niet zal aantasten.

De Conventie van Genève van 1949 zwijgt als het graf over de instelling van internationale criminele gerechtshoven, en ook de precedentwerking van de processen in Neurenberg en Tokio is twijfelachtig. Destijds ging het om militaire tribunaal die zonder precedent werden ingesteld door de overwinnaars van de Tweede Wereldoorlog, en in gebieden onder hun directe controle.

Dat is iets anders dan de verlening van volmachten door de VN om burgers van onafhankelijke staten strafrechtelijk te vervolgen – zoals nu is gebeurd.

Waarom is het Joegoslavië-tribunaal dan toch in het leven geroepen? Joegoslavië, zei aanklager Richard Goldstone in een interview met de Zwitserse *Weltwoche*, was geschikt als proeftuin voor de verdere ontwikkeling van het internationale recht, vooral vanwege de druk van de westerse media om 'iets te doen'.



Zomer 1993: Kroatische soldaten boelen en blinddoeken Bosnische krijgsgevangenen alvorens ze uit te leveren aan de Bosnische Serviërs.

FOTO REUTERS

Goldstone wees op de algemene verontwaardiging in het Westen over het feit dat er juist in Europa – het toneel van eerdere 'etnische zuiveringen' – zo'n bloedige oorlog plaatsvond. Het was ook in deze geest dat het Hof oordeelde over de eigen legitimiteit. In de woorden van rechter Cassese: 'Staatssoevereiniteit moet wijken wanneer de aard van de beweerde delicten niet alleen het belang van een staat treft, maar ook het geweten van de mensheid schokt.'

Dit nu is een interessante, maar ook een zorgwekkende uitspraak. Want wat schokt het geweten van de mensheid? Hoe zit het met de activiteiten van het Russische leger in Tsjetsjenië, het Israëliëse in Libanon, het Amerikaanse in Irak en het Indonesische op Oost-Timor?

Het 'geweten van de mensheid' is

een van politiek en media afhankelijke juridische categorie. Zeker, in de berichtgeving over Bosnië werd vaak verwezen naar de Tweede Wereldoorlog, Auschwitz en 'München'. Maar, met een variatie op Peter Handke: zitten zulke parallellen in de gebeurtenissen zelf verscholen, in het medium, of vooral in de hoofden van de Europese en Amerikaanse nieuwsconsumenten?

Ook als we zulke meer theoretische bespiegelingen laten voor wat ze zijn, en naar het mandaat en de daden van het tribunaal kijken, is er reden tot bezorgdheid.

Dan is het allereerst onduidelijk waarom nu, anders dan in Neurenberg en Tokio, de misdaden tegen de vrede buiten de boot vallen. Het tribunaal kwam met aanklachten wegens genocide, misdaden tegen

de menselijkheid en schendingen van het oorlogsrecht, maar het laat de vraag naar de verantwoordelijkheid voor het uitbreken van de oorlog open.

In een dergelijk onderzoek zou, in het geval van Bosnië, behalve de schuld van de direct betrokken partijen ook de inmenging van Kroatië en Servië en de bemoeienis van Duitsland, de EU en de Verenigde Staten moeten worden vastgesteld en juridisch getoetst.

Ten tweede: is het niet vreemd dat resolutie 808 van de Veiligheidsraad de instelling van een tribunaal mede rechtvaardigt door te wijzen op 'de bijzondere omstandigheden van het voormalige Joegoslavië', terwijl dat tribunaal vervolgens weinig tot geen aandacht schenkt aan uitgerekend het specifieke karakter van dit gebied? In de

Tweede Wereldoorlog vonden in Joegoslavië immers ook op grote schaal misdaden plaats.

De 'broederstrijd' van toen werkte door in de recente burgeroorlog: een groot deel van de Serviërs, maar ook van de Moslims en de Kroaten, beleefde de jongste geweldsexplosie als een regelrechte voortzetting van eerdere verschrikkingen. In die zin is het mandaat van het tribunaal arbitrair: het is beperkt tot de sinds januari 1991 gepleegde misdaden.

Ook is het goed te beseffen dat het Hof overhaast van start is gegaan op een moment dat de oorlog in Bosnië nog niet was afgelopen. Het onderzoek naar oorlogsmisdaden werd vanaf het begin bemoeilijkt door de meervoudige oorlogspropaganda en de ontoegankelijkheid van het strijdtonel. Zo bestond het reële gevaar dat getuigen-

verklaringen niet de waarheid boven tafel zouden brengen, maar zouden worden misbruikt om de loop van de gebeurtenissen zelf te beïnvloeden.

Voorts is er de Servische weigering om medewerking te verlenen aan de commissie die de gepleegde misdrijven onderzocht. Dat heeft zeker bijgedragen aan de eenzijdigheid van het eindrapport. Maar liefst 90 procent van de in het rapport vermelde misdaden in Bosnië komen namelijk op het conto van Serviërs. Het hoofdzakelijk door de Bosnische moslimregering, Kroatië, de VS en Oostenrijk ingediende bewijsmateriaal resulteerde dan ook in een aanklacht tegen de politieke en militaire top van slechts één van de strijdende partijen.

In dit verband is het opvallend dat aanklager Goldstone in april 1995 nog liet weten dat Karadzic en Mladic voorlopig buiten schot zouden blijven. 'Dat heeft tijd nodig', zei hij toen. Maar in mei had Goldstone opeens de zaak rond. De druk om met resultaten te komen was kennelijk groot. 'We willen laten zien dat dit een functionerend strafrechtstelsel is.'

Een tribunaal dat geen verdachten kan laten arresteren, en dat daardoor slechts drie Moslims, acht Kroaten, maar niet minder dan 46 Serviërs heeft aangeklaagd, een tribunaal dat na drie jaar nog maar twee verdachten heeft opgesloten, dat echter wel een duidelijke invloed uitoefent – zo'n tribunaal valt niet te omschrijven als 'een functionerend strafrechtstelsel'.

HET tribunaal dient daarom op korte termijn van koers te veranderen, wil het de zaak van een vertrouwenwekkende internationale rechtspraak niet nog verder beschadigen. Het moet de eigen legitimiteit harder bevechten dan tot nu toe gebeurd is: meer geld en volmachten eisen van de VN, meer onderzoek doen en vooral ook het vertrouwen van de Servische zijde proberen te winnen.

René Grémaux is antropoloog en Abe de Vries is publicist op het gebied van het voormalige Joegoslavië.

Een van de voormalige aanklagers van het Neurenbergtribunaal, Benjamin Ferencz, is nog altijd zeer energiek en betrokken. Hij liep in augustus dagelijks rond in de wandelgangen van de VN-vergadering waar werd gepraat over de oprichting van een permanent internationaal strafhof.

De oproep van de drie voormalige aanklagers geschiedt niet in een luchtledig. De VN studeren al vanaf 1948 op de levensvatbaarheid van een permanente opvolger van de oorlogtribunalen van Neurenberg en Tokio. Dit leidde nergens toe, omdat de besluitvorming verlamd werd door de Koude Oorlog. De zaak raakte in vergetelheid.

Vanaf 1989, toen de Koude Oorlog zowat voorbij was, staat de oprichting van een permanent oorlogtribunaal weer op de agenda van de VN. Al voordat de gevechten in Joegoslavië uitbraken, gingen – in theorie althans – de gedachten naar een dergelijke instelling uit.

Het besluit van de Veiligheidsraad om een tribunaal voor Joegoslavië (in 1993) en voor Ruanda (in 1994) op te richten, heeft de discussie in een stroomversnelling gebracht. Waarom zouden immers massamoorden, gepleegd in Joegoslavië en Ruanda, wel berecht kunnen worden en elders niet?

De uitkomst van de jongste deliberaties in New York is niet wereldschokkend, maar betekent volgens ingewijden wel degelijk een stap voorwaarts. Het voorbereidend VN-comité – waarvan Nederland, dat een sterk bepleiter is van zo'n internationaal strafhof, de voorzitter is – stelt dat over twee jaar, in 1998, politieke besluitvorming mogelijk is. Naar verwachting zal de Algemene Vergadering over enkele weken dit standpunt overnemen.

VANDAAG, 1 oktober, is het vijftig jaar geleden dat het Neurenbergse tribunaal de vonnissen uitdeelde aan de 22 nazi-oorlogsmisdadigers die het had berecht. Ter gelegenheid hiervan hebben drie hoogbejaarde Amerikaanse aanklagers van Neurenberg een oproep gedaan om nog deze eeuw een permanent internationaal strafhof op te richten.

Pleidooi voor een permanent strafhof

Nu wil dit niet zeggen dat een permanent strafhof er komt, of dat het nog deze eeuw aan de slag kan, zoals de drie Neurenbergse aanklagers hopen. Naarmate het idee concreter gestalte krijgt, zullen de bezwaren van regeringen sterker worden.

Er zijn talloze hindernissen en problemen. Over welke delicten zal zo'n hof rechtsmacht krijgen? Wanneer komt een internationaal tribunaal in actie? Welke regels en procedures zal het hanteren? Hoe zal het landen, die het verdrag ondertekend hebben, dwingen tot het nakomen van de verplichtingen? Enzovoorts, enzovoorts.

Maar het allergegrootste punt van discussie betreft de verhouding tussen de Veiligheidsraad en het strafhof. De permanente leden van de V-raad voelen er weinig voor om in hun optreden voor de voeten te worden gelopen door besluiten van een onafhankelijke instelling. De spanning tussen de VN (die zich ten doel stelt de vrede te bewerkstelligen en te bewaren) en een tribunaal (dat oorlogsmisdadigers moet vervolgen en berechten) is in het geval Joegoslavië al evident.

De VS, Groot-Brittannië en Frankrijk zijn in principe voorstanders van een permanent tribunaal, maar alleen onder gezag van de V-raad. Een groep van vijftig, voornamelijk Europese, landen wil dat een onafhankelijke aanklager zelf besluit om vervolgingen in te stellen. De controle op diens werk, moet niet door een politiek instituut, maar door een juridisch – door rechters dus – geschieden, zo vinden zij.

Diplomaten volgen nauwlettend de gang van zaken bij het Joegoslavië tribunaal in Den Haag. Ze zitten vaak op de publieke tribune. De vervolging, uitlevering en berechting van verdachten leveren waardevolle ervaringen op, die ze kunnen gebruiken bij het opstellen van de regels voor een permanent strafhof.

Het mislukken van het Joegoslavië tribunaal zou van een permanent strafhof een doodgeboren kind maken. De onlangs vertrokken hoofdaanklager Goldstone noemde het ook daarom van het grootste belang dat Karadzic en Mladic gearresteerd worden.

De Amsterdamse socioloog

Abram de Swaan heeft zijn geduld verloren. Hij wil dat er een beloning wordt gezet op de aanhouding en voorgeleiding van de twee voortvluchtige Bosnische Serviërs. Vorige week lichtte hij zijn voorstel tijdens een openbaar debat toe: door geld in te zamelen en burgers te mobiliseren, breng je regeringen in verlegenheid. Zij zullen zich dan misschien gedwongen voelen hun plicht te vervullen. Hij doet geen oproep tot eigenrichting, zegt de Swaan, het gaat hem er om dat het recht z'n loop heeft en het tribunaal z'n werk kan doen.

'God' behoeft ons voor de komst van Mladic en Karadzic naar Den Haag', zo reageerde de jurist Frits Rüter. Volgens hem zou hun berechting slechts de ongelijke machtsverhoudingen in de wereld bewijzen. Kroatië en Bosnië genieten bescherming van het Westen terwijl de Serviërs een gemakkelijke prooi zijn, omdat Rusland 'slaapt'. Het strafrecht, meent Rüter, is nie het geschikte instrument om oorlog en burgeroorlog mee te lijf te gaan.

Het werkt niet, zegt Rüter die een grondige studie heeft gedaan naar de berechting van Duitse oorlogsmisdadigers. Hun berechting werk noch als afschrikking, noch als middel tot het vinden van de waarheid en al helemaal niet als het gebeuren door een internationale rechtbank die onbekend is met de cultuur en de taal van de verdachten.

Het idee dat een permanent internationaal strafhof de wereld zal verbeteren, is dan ook een illusie, vindt Rüter. Maar zo gauw laat de mensheid zich niet van een illusie beroven. De Swaan antwoordde hem: 'Dat het tot nu toe niet gewerk heeft, is alleen een reden om het anders en beter te doen.'

Hella Rottenber


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


U.S. ONLY
DEBTICATED*
 A non-profit organization

Welcome, Guest

[Register](#) - [Sign In](#)

sorabia · SORABIA — News & Views about Serbia and Balkans

[\[Join This Group! \]](#)


Messages

[Messages Help](#)
[Reply](#) | [Forward](#) | [View Source](#) | [Unwrap Lines](#)
 [Search Archive](#)

 Message 12214 of 16011 | [Previous](#) | [Next](#) | [Up Thread](#) | [Message Index](#)

 Msg # [Go](#)

From: "Bob Petrovich" <bojanp@h...>

Date: Thu Feb 1, 2001 7:04 am

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 Escobar-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.

Escobar-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

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

the 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 discomforted 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 look 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)

Goldstone's politicking was second only to the din of drum-beating in 1994 by 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 Cvetkovic, 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 leaders. (57) But within thirty days, Karadzic was branded officially as a 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.
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.

- 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.

Message 12214 of 16011 | [Previous](#) | [Next](#) | [Up Thread](#) | [Message Index](#)

Msg #



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

'Voor Belgen was Rwanda: drank en vrouwen'

18-2-2009

Van onze correspondent
BRUSSEL

De Belgische VN-soldaten in Rwanda hadden in 1994 vooral interesse voor drank en vrouwen. Ze waren ongedisciplineerd. De vredesmissie liep daardoor volledig mis. Dat stelt de toenmalige opperbevelhebber van de VN-troepen, de Canadese generaal Romeo Dallaire.

De VN stuurden een interventiemacht naar het Centraal-Afrikaanse land vanwege de spanningen tussen Hutu's en Tutsi's. De Belgische para's zagen Rwanda als het paradijs en de missie mede als een vakantie, aldus Dallaire voor de zender VRT.

Volgens hem dronken ze in diensttijd, zochten ze in verboden zones Tutsi-meisjes op en gingen ze in burger naar het huis van een

extremistenleider om hem in elkaar te slaan. Ook richtten ze vernielingen aan in een hotel.

België leverde in 1994 het grootste contingent soldaten van de VN-vredesmacht in Rwanda. De troepen verlieten echter halsoverkop het land nadat veertien blauwhelmen, onder wie tien Belgen, werden gedood. Na het vertrek van de vredesmacht, in april 1994, escaleerde de burgeroorlog

Ongeveer 800 duizend Rwandezes werden vermoord.

De Canadees bekritiseert de internationale gemeenschap, die Joegoslavië wel en Rwanda niet belangrijk vond. 'Dat waren slechts stammenoorlogen tussen zwarten.'

De Belgische premier Guy Verhofstadt heeft verontwaardigd gereageerd. Het stoort hem dat de Canadees nooit heeft willen getui-

gen voor de Belgische Rwanda-commissie. Verhofstadt was daarvan als senator ondervoorzitter. 'De besluiten van de Rwanda-commissie zijn trouwens duidelijk over generaal Dallaire: onvoorzichtig, weinig professioneel, onverschillig, onbegrijpelijk gedrag. De generaal is voorbij het kamp gereden waar onze para's op dat ogenblik vochten voor hun leven, en hij heeft niet ingegrepen.'

Del Ponte: Karadzic wordt in Belgrado beschermd

12-2-2009

AP, Reuters
BRUSSEL

Servië is een veilige haven voor een vijftiental verdachten van het Joegoslavië-Tribunaal in Den Haag, onder wie de Bosnisch-Servische hoofdverdachten Mladic en Karadzic. Van die laatste is woensdag bekend geworden dat hij zich in de hoofdstad Belgrado bevindt; daarom moet de samenwerking tussen het VN-hof en Servië worden verbroken.

Dat zei hoofdaanklaagster Del Ponte van het Joegoslavië-Tribunaal gisteren na een ontmoeting met coördinator Solana van het

EU-buitenlandbeleid in Brussel. Ze riep de Europese Unie, Rusland en de Verenigde Staten op druk uit te oefenen op Servië en Bosnië om actief mee te werken aan de opsporing en uitlevering van het tweetal, dat van ernstige oorlogsmisdaden wordt verdacht.

Zowel de hervormingsgezinde premier Zivkovic als Tomislav Nikolic van de nationalistische Radicale Partij ontkent de beschuldigingen. Ze eisen bewijs. 'Ik zie niet in wat we nog meer kunnen doen dan we al doen', aldus de premier. 'Deze pro-Amerikaanse regering zou hem zo uitleveren', beaamt Nikolic.

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Hans Hupkes <HANS.Hupkes@Planet.NL>; Globalreflexion <office@globalreflexion.org>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: donderdag 19 juli 2001 12:39

On its Eleventh Anniversary...

The SPS: A POLICY OF JUSTICE

Address of Mr. Zivadin Jovanovic, Vice-president of the Head Committee, Acting President of the Socialist Party of Serbia at the solemn session of the Head Committee, on July 16, 2001

Comrades,

Ladies and Gentlemen,

Esteemed members of the Diplomatic Corps,

The Socialist Party of Serbia was formed eleven years ago.

It has existed during a period of dramatic historic events that have wiped out many positive results of the First and Second World Wars, with tragic consequences.

The opening and deepening of the Yugoslav crisis and the violent secession of former Yugoslav republics were directed primarily against the Serbian people. Europe has trampled the very basis of its stability, the principle of non-violability of internationally recognized borders. Europe has legitimized separatism. Russia has allowed it to happen.

Today this is coming back to haunt the world in the form of spreading separatism, terrorism and the rapid growth of international crime. We can see this growth of crime from Chechnya to the Caspian, the Bosphorus, in Kosovo and Metohia, from Macedonia to Gibraltar and Afghanistan, and via Suez and Magreb to the North Atlantic.

For years our people were exposed to the most massive violations of basic human rights and to genocide. On one side there was the violent fragmentation of the Serbian national body. Vast numbers of Serbs were expelled from centuries-old homesteads. Millions became refugees. On the other side, there were sanctions that denied a normal existence to millions of citizens and refugees.

For many wise men in Europe and the world this was seen as revenge for the role played and the contribution made by Serbia and the Serbian people at fateful moments in European history.

The SPS played the key role in 1992 in constituting the Federal republic of Yugoslavia as the state of continuity and as a community-union of equal citizens of the republics of Serbia and Montenegro. That was a

natural role and obligation for a popularly based, progressive party with a national vision and responsibilities, reacting to separatism, to the crushing of the Serbian people and to the re-tailoring of this exceptionally important geopolitical area. At the same time it was an expression of a policy of regional peace and stability that could hardly be possible without a state uniting Serbia and Montenegro.

The constructive and responsible policy of the SPS was confirmed by the role played by the Federal Republic of Yugoslavia in finding a peaceful political solution for the civil war in Bosnia & Herzegovina. It is today an irrefutable historical fact that the Federal Republic of Yugoslavia made the most important contribution to achieving the Dayton-Paris Agreement.

The alternative would have been a drastic escalation of war.

The crucial leadership in halting this conflict was provided by the founder and president of the SPS, Slobodan Milosevic. It is because of his contribution as president of the Republic of Serbia and head of the Yugoslav negotiating delegation in 1995 that today there is peace and relative stability in Bosnia & Herzegovina. These achievements are today jeopardized by these who in the name of some 'international community' hinder and distort the implementation of the Dayton-Paris Agreement and attempt to revise that Agreement to the detriment of the Republic of Srpska and the Serbian people.

In the Program adopted by the SPS in 1992, and in its practice, our Party has fashioned itself as a modern party of the Left. The SPS is committed to the strengthening and overall progress of Serbia and Yugoslavia, for Kosovo and Metohia to be integral parts of Serbia, for peace in the Balkans and for Yugoslavia's integration and overall cooperation with its neighbors, and with Europe, Russia, the USA, China, India and all other countries.

Our platform of cooperation is simple: equality and non-interference.

The accusation that the SPS is a party suited only to isolation and confrontation is not only baseless, but made with malicious intent by those whose own "Europeanism" is expressed through their daily sell-off of vital national and state interests.

The best evidence that the SPS is open towards its neighbors and the entire world is the fact that the SPS maintains regular contacts and cooperation with over 130 parties and movements in the Balkans, Europe and worldwide. As the party in power, the SPS, through the Federal government, made possible the maintenance of diplomatic relations and cooperation with over 170 countries. A system of close to 3000 international agreements functioned in continuity, including those that the Kingdom of Serbia had concluded with Western countries at the end of 19th century.

The Government concluded or maintained agreements abolishing visas with many countries, normalizing relations with the former Yugoslav republics, maintaining a free trade zone with Macedonia and the Russian federation involving favorable credits and favorable terms amounting to over 2 billion German marks, and many other agreements affecting economics, investment, traffic and culture.

The vast majority of UN member countries gave their support to the Federal Republic of Yugoslavia, including its right to continuity of membership in the World Organization. That's why the attempts of the former US administration and the so-called 'Croatian initiative' to expel Yugoslavia from the UN could not succeed.

But what our adversaries could not do was done for them by the new 'democratic' authorities in Belgrade. As soon as they took over, by a stroke of the pen they eliminated our country as a founding member of the World Organization, submitting a request to be admitted as a new member - the 189th!

Very quickly these new authorities violated the Constitution, humiliated the National Assembly and by

the zeal of their subservience surprised even the order-givers from the outgoing Clinton administration. History and the people shall assess and suffer the consequences of that drastic decline in the dignity of our state.

NATO's armed aggression in 1999 was recognized by the world as a dangerous violation of the basic principles of international relations and the UN Charter and a blow to the foundations of the international legal order. It was a crime against peace and humanity executed by an unprecedented alliance of the mightiest military machinery in human history working with an openly terrorist organization, the so-called KLA.

It shall remain as a record of the utmost cynicism that this aggression, in the course of which about 3000 of our citizens were killed, in which radiation and other forbidden weapons were used, and which inflicted war damages exceeding 100 billion dollars, was given the name: "Operation Merciful Angel."

The NATO criminals created the show in Rambouillet and stage-managed the "Racak Massacre," but their masks of 'mercy' fell away during the aggression. They destroyed our bridges, our children's schools, our TV broadcast facilities; they bombed columns of refugees and the homes of ordinary people. They sent cluster bombs and cruise missiles encased in depleted uranium to blow up our hospitals.

And all the while they spoke of the protection of human rights and democracy.

After the aggression, Albanian terrorists were sent from Kosovo and Metohia into other areas of Serbia and then into Macedonia. This has shown even many people who were poorly informed that NATO is using the Balkans as a testing ground for new doctrines and new weapons, for the intimidation of all peoples who will not accept neo-imperialism and who dare to confront hegemonies.

Yugoslavia defended its freedom. It did so decisively. It will be written in history that Yugoslavia stunned the world with its courage, its unity and its patriotism.

This resistance enabled the world to understand the real nature of NATO.

NATO's aggression was ended by UN Security Council resolution 1244/99. This Resolution explicitly guaranteed the territorial integrity of the FRY. It guaranteed that Kosovo and Metohia would be an autonomous part of Serbia providing security and the equal enjoyment of human rights to all citizens and all communities, regardless of ethnicity, culture or religion.

These conditions under which the war ended constitute guarantees by the World organization. No one has the right to diminish the importance of these facts, and especially not to allow developments and situations contrary to this UN document.

The Serbian and Yugoslav powers-that-be have no authority to make a single concession to the detriment of the Serbian people, or to the integrity and sovereignty of Serbia and Yugoslavia. They bear the responsibility for accepting the so-called Haekkerup's "Constitutional Framework" that both formally and in essence violates Security Council Resolution 1244. The Belgrade authorities are responsible for accepting the setting-up of customs stations in Kosovo, for doing nothing to facilitate the safe and free return of several hundred thousand expelled Serbs, Roma, Gorani, Muslims and other non-Albanian peoples, for doing nothing regarding the more than 1300 citizens who are missing, most likely kidnapped, and about 1300 who have been killed since the deployment of UNMIK and KFOR (the UN and NATO).

These authorities are also responsible for cooperating in preparing the public to accept so-called provincial elections. The aim of these elections is to sanction ethnic cleansing and all the crimes carried out in Kosovo during the last two years.

It must be clear that the Serbian people would never accept this policy that injures its legitimate

national and state interests, this policy executed through the cooperation between KFOR and UNMIK (read: NATO) and the Belgrade authorities, this policy that violates UN documents through fait accompli. On this occasion we decisively condemn Haekkerup's "Constitutional Framework" as an attempt to legalize secession and the plan for creating a "Greater Albania." We condemn the so-called provincial elections, since the conditions that would make elections possible do not exist. The SPS calls upon Serbs, Roma, Gorani, Muslims as well as all other communities in Kosovo and Metohia not to accept the census and to boycott such elections, until everyone is guaranteed security, freedom of movement and the free and safe return of 360,000 expelled citizens. A political solution regarding autonomy may be reached only through political dialogue between the legitimate representatives of all ethnic communities.

Comrades,

What have we done during the past eleven years?

Faced with a blockade, with sanctions, with civil wars raging around us, with a million refugees on our territory, our Government of national unity above all protected the state and the freedom and dignity of the people. It protected all the most important natural, economic and human resources. It has not allowed the sell-off of our national wealth. It has managed to satisfy the basic needs of the population, the functioning of the economy and basic social services. Under these difficult conditions, our farmers have made an extraordinary contribution to fulfilling the basic needs of the population, even making it possible to export farm products.

From 1995 on, the Government intensified reforms, mobilized domestic resources, and strengthened cooperation with countries that refused to apply sanctions and started new industrial production. In the very midst of NATO's aggression, the process of reconstruction and renewal began. Our government, our people reconstructed or newly built more than 50 bridges. Free housing was provided for families whose homes were destroyed by NATO. A program to build 100,000 apartments for young couples and members of the army and police was begun. A program for the intensive employment of young, skilled workers was implemented.

By means of special measures and programs, the development of agriculture and the construction industry and exports were stimulated. Prices of foodstuffs, electricity, communal services and other basic needs were kept in harmony with the buying power of the population.

Such efforts were supported by the people in our Diaspora, for which we owe them recognition and thanks.

All this clearly shows that the policy conducted by the SPS was in harmony with its Program. This policy preserved the state and defended the freedom, sovereignty and territorial integrity of the country and social justice. We did not wait for foreign "donations." It was clear to the Party that these rich "donors" are not rich because they give away; they are rich because they take. That's why the Party always tended towards co-operation and exchange only on the basis of mutual benefit. Nothing else is real. Thanks to that policy we have had the highest economic growth rate and highest living standards in our neighborhood. While during the period from 1995 to 2000, Eastern Europe had an average annual growth of 1,5 % of gross national product, our country achieved 5 to 7 %.

All these efforts and results drew on the energy and political and diplomatic understanding of Slobodan Milosevic, founder and president of the SPS.

After the coup d'etat on the 5th of October, in which the national Assembly and Serbian Broadcasting Corporation were set ablaze, our party and membership were exposed to pressures and persecution never before seen in the political history of Serbia. Several hundred members of the SPS have been imprisoned and a large number have been brought before politically motivated trials. By means of surprise attacks, crisis committees and the abuse of workers, 20,000 managers of enterprises, banks, power production and

distribution companies, education, cultural, health care, transportation and state administration facilities were removed overnight. The so-called DOS usurped local authorities in 20 municipalities where SPS had in fact won the elections.

Comrades,

Dear guests,

The abduction and arrest of SPS president Slobodan Milosevic on March 31st and then his abduction on June 28th, St. Vitus Day, and his extradition to the Hague 'Tribunal,' represent the height of violent lawlessness.

Many facts regarding the extradition of Slobodan Milosevic are widely known. The immediate and especially the near future will complete that knowledge and also allow a complete assessment of the goals and consequences of this criminal act.

Already three things can be stated.

First, the acts of seizing Milosevic and turning him over to The Hague do not have local or regional motives and goals.

Second, these motives and goals are not related to law and justice; rather, they are political.

And third, this kidnapping will neither in the short nor long term end the crisis in Yugoslavia and the Balkans.

Rather, this dangerous criminal act will lead to the deepening of mistrust and the continuation of the mistakes of the so-called international community, with unforeseen consequences.

Slobodan Milosevic is not only the founder and president of the Socialist Party of Serbia, one of the strongest political parties in the Balkans, but also has been the president of the Republic of Serbia and the Federal Republic of Yugoslavia for many years. For Serbian people and for the greater part of contemporary mankind, Slobodan Milosevic is a leader in the struggle for a just cause, both on the national and international levels. He is a symbol of resistance to hegemonism and domination, a leader that unified the whole nation against NATO aggression and contributed towards exposing NATO's second, hidden face, completely different from the aims proclaimed in its founding act. Crimes committed by NATO in the course of the 78 days it bombed all of Yugoslavia are known. Concerning those crimes, large, indestructible documentation exists.

Because of the clear facts about NATO's crimes, the so-called trial they are preparing, whose farcical beginning indicates how it will proceed, cannot fool most people. Virtually all Serbian people and a vast part of the real international community knows that this stage-managed affair aims to justify the crimes of NATO's leaders, especially the leaders of the former American administration, crimes against peace and humanity.

By putting Milosevic and other former leaders of Serbia and Yugoslavia on trial, the victim is being presented as the culprit. An attempt is being made to impose on all Serbian people the responsibility and lasting obligations for all that transpired in Kosovo and Metohia before, during and after the aggression, as well as for the violent secession of former Yugoslav republics and the consequences of the civil wars in Bosnia & Herzegovina and Croatia.

Such an approach represents the continuation of the aggression against Yugoslavia and the Serbian people by other but no less dangerous means. This is apparent due to the orchestrated demonization of the Serbian people. The demonization is now being conducted not only in the same international media that

wholeheartedly justified the armed NATO aggression. It is also being broadcast in the so-called independent media in Belgrade.

All that is being done now was in essence seen beforehand and predicted and the real aims are known. The Serbian people will not be turned against itself. It will not take the side of those who treat it in a racist manner, who are breaking it up and transforming it into refugees, who killed Serbs, who destroyed their homes and sacred places, who poisoned their soil, their water and their air!

Not only did these new Belgrade authorities execute the criminal seizure and extradition of Slobodan Milosevic, delivering him into the hands of the NATO executioners. Not only did they trample the Constitution and laws of Serbia and Yugoslavia. But they chose to commit this crime on June 28th, thus desecrating Vidovdan, St. Vid's Day, the Serbs' most sacred symbol. This confirmed the belief that the kidnapping was carried out to humiliate the Serbian people, whose self-respect has been toughened through centuries of struggle. The fact that for this treason the authorities say they were promised some kind of money only strengthens the disgust, condemnation and loathing among ordinary people, whose exceptional sense of morality and dignity have not died away despite exceptional misery. Indeed, the morality and dignity of the people has grown stronger.

All that the Belgrade authorities have done to the people has strengthened the belief that with DOS there can be no future. These authorities have crossed the Rubicon of what can be endured. It is hard to imagine anything that can save them now, certainly not some so-called donations.

Whether West and East understand this reality we shall soon find out.

What else is to be said about the fruits of the rule of the DOS authorities?

People have realized that DOS is a notorious NATO swindle. DOS abused the citizens' desire for change. People voted to live better, but today they live far worse than a year ago.

The new authorities are not interested in production but only in covering their budget through higher taxes.

Industrial production is 10% lower than before. In the factories, four out of five machines stand silent.

Everything is enormously expensive. The only thing we've gotten from Europe is its prices. By removing customs protections for domestic industries and food production our manufacture has been suffocated, and the market has been given to foreign manufacturers. Unemployment and social misery are spreading. One million people are unemployed. Two million of our people live just this side of survival. The sell-off of our factories, mines and infrastructure to foreign speculators has been prepared. The economic sovereignty of our country is being betrayed.

Those are the results of the much-heralded 'reforms' of DOS.

DOS halted the reconstruction of the country, because such reconstruction offended their masters by recalling NATO's crimes of destruction.

Today, more than ever, our young people are going abroad to seek employment.

Tuitions have been imposed on high school. Enormous tuitions have been imposed at universities. In science and culture, in publishing, in the media and in institutes those who are 'politically acceptable' dominate.

The new authorities say they value expertise and professionalism. That does not prevent them from

appointing people who are untrained and unable to perform basic duties to ministerial, managerial and diplomatic posts. For these rulers, the Supreme principles are obedience, membership in the 'right' parties and nepotism.

Unprecedented pressure is being applied to the judiciary as well as Orwellian control of the media. Judges are exposed to the most severe pressures and blackmail. If they do not hand down the decisions DOS desires they lose their jobs. If they lose the jobs, they are forbidden to practice law as attorneys, their only profession.

The total redistribution of our country's foreign policy interests is carried out in such a way that these are completely surrendered to the West, e.g. NATO. In the politics of the country, Anglo-Saxon and German factors dominate, while each has its direct proponents in the top leadership of the state. Relations with other countries, especially with those who extended support, cooperation and solidarity to our country and people when it was most difficult, are completely forsaken or reduced to a mere formality.

At the same time these authorities are preparing the internationalization of autonomism and separatism in Vojvodina. It seems that what is apparent and completely clear to every sane person is not clear or known to the highest representatives of DOS.

The state is facing disintegration. People do not know who is ruling the country. The Constitution and laws are simply not applied.

The President of the federal state, Vojislav Kostunica, astonishes the Yugoslav and foreign publics by claiming he was not informed about fateful decisions. He publicly asserts that a coup d'etat has been executed by the republican Prime Minister Zoran Djindjic, but that does not prevent Kostunica from sitting with Djindjic at the same table immediately after said coup, and cooperating with him as if nothing had happened. As if a coup d'etat is an everyday occurrence in democracies. Prime Minister Djindjic publicly admits that he has usurped the domain of the Federal State. He only complains in the German 'Die Spiegel' that, while he did 'honestly' what was requested of him the West is late with the promised payments!

President Kostunica and Prime Minister Djindjic are publicly contesting who would have personal control over the Army of Yugoslavia (AoY). Some leaders of DOS are trying to dismantle AoY, to weaken it and its morale since that is NATO's wish. They are confronting the Army and police. They are threatening a new wave of political persecution and more extraditions of our citizens to NATO.

It is clear that such authorities may not suffer a long existence. Even those who financed and organized DOS did not plan to keep them around for long. But, for the citizens of this country the question is: what shall remain of the country, of the state and of our economic resources after such authorities leave? What will new authorities have left at their disposal?

Dear guests,

The SPS is a party of free, creative and courageous people, organized on the ideas of social justice, multiparty parliamentary democracy, mixed economy, freedom and equality. Within the Party and its leadership there is much room for different opinions, especially on methods of implementing the program's options.

Of course, full internal democracy in working out political positions requires total party discipline and responsibility for public confirmation and implementation of agreed-on political positions. All members are subject to such Party discipline, especially leaders of the SPS. This basic principle is important to any political party in all conditions. When applied to a Party like the SPS, that by its program covers the entire political space from the center to the far left, to a Party that is exposed to political persecution never before recorded in the political history of Serbia, then the strengthening of unity and the honoring of party discipline has the

greatest and most fateful importance. Our unity shall grow from strength to strength in relation to strengthening the Party's activities based on implementing our Program's options.

From time to time in the public the idea that it is necessary to change the SPS Program is put forward. It is presented in the form of 'well intentioned' suggestions, advocacy of 'respect for new realities', 'modernization', 'engaging with' the private sector, with the intelligentsia, with the youth, and so on. Actually, the real motives of such 'well intentioned' theses and suggestions lie somewhere else.

Allow me, in respect of this, to refresh your memory on one position from the SPS Program:

"In its basic programmatic principles, the Socialist Party of Serbia draws from the development of socialist ideas in our country and throughout the world, as well as from the generally acknowledged positive results of the democratic political practice of socialist forces, especially in Western Europe and from our own development since the Second World War. Part of its political and moral strength is drawn from the results of the all-peoples' democratic and patriotic movement in Serbia at the end of the 1980s. Before the changes in Eastern Europe, this mass struggle of ordinary people supported the policy of democratization, national emancipation and socialist reforms. It was that mass movement and that policy that showed the need to establish the Socialist Party of Serbia".

This is why the SPS was and remains a strong political party widely accepted in all social structures and among all generations. Its influence and importance have grown because general developments within the last ten months have caused even deeper concern among the vast majority of citizens regardless of their political views, their age, or the party to which they might belong.

It should be noted at this point that when our opponents say the SPS should change its Program, they say so because they are conscious of the strong historical foundations of our party. That bothers them. They know that these foundations are rooted in the freedom-loving and humanist spiritual traditions of our people. They are rooted in the more than two centuries of development of socialist thought in Europe and Serbia, but also in today's concrete circumstances.

When some of our comrades say the Program should be changed, that indicates that they do not understand what in the historical sense is most advantageous for our Party. For their sake and the sake of the general public, it should be clearly stated what programmatic and political potentials of our Program have not been sufficiently utilized and what programmatic oversights have now mostly been overcome.

Why exactly have our people and our party become the target of most brutal, most illegal and most dishonorable methods of contemporary imperial policy?

Above all because we implemented in an authentic manner democratic and economic reforms. We were first in Eastern Europe to commence with reforms. However, we worked in the interest of our people, and not neo-colonial power centers. In the late 1980s we took power away from the corrupted elements who had lost touch with the people. During the 5th of October putsch, these same elements, dregs of the old League of Communists, who had betrayed its basic principles, came back to power either directly or through their children, anxious to regain their never-forgotten privileges and commissions and to impose authoritarian rule by means of lawlessness, crime and treason.

By defending national dignity and sovereignty, by defending what are in fact the most progressive European principles, as embodied in its Program, the Socialist Party of Serbia has led the nation along the only possible path. This is the path of preserving and developing economic potential as the basis for social justice and spiritual development, to renew and develop integrative connections with our neighbors.

In that way we would enter the European Home, not the pantry in the European economic courtyard.

The SPS has not had problems in its Program or in its basic political organization, but in the practical implementation of its Program.

Our program opposes the transformation of the economic and financial power of any individuals into political power. First, a Party of the Left, born of the people, should not allow arrogant and immodest displays by its better-off members. Secondly, the party and government, once we regain it, should not be influenced by careerists, profiteers and those who seek shelter from the storm, nor give power to forces without popular support.

These are lessons we have learned quite well. Those who put their personal interests over the general good have either left our Party and joined the powers-that-be to preserve their fortunes or else we ourselves have removed them. To them and others that would wish to emulate them, there is no longer a place in the Socialist Party of Serbia. In addition, we have decided that we shall finally dispense with ill-founded pre-election coalitions. Every party should have power only in proportion to its real popular support.

The position of the SPS was and remains clear: the preservation of the Federal Republic of Yugoslavia, as a sovereign and independent state, a community of equal citizens and republics of Serbia and Montenegro, is an expression of their historical interests, the precondition of their independence and modern economic development. Struggle against separatism, terrorism and organized international crime, and a stronger drive for regional economic integration are unthinkable without the preservation of the Federal Republic of Yugoslavia.

The last 10 months of totalitarianism, lawlessness, persecution and darkness, though difficult, have helped our party in many respects.

We understood where we were mistaken and also where our unused potentials lie.

We paid the price of opportunism towards those who were with us only for their own benefit because the SPS was in power.

We understand the importance of daily contacts with the people and respect for their desires.

Enriched with this knowledge and experience the SPS shall strengthen its relations with all the social strata acting as a factor of unity that contributes creativity, wisdom, energy and élan for the benefit of general progress. Openness and responsibility shall be expressed above all towards the membership and sympathizers who stood fast with the policy and Program of the SPS when this was most difficult. At the same time that shall be the most important criteria in selecting nominees for electoral lists.

We owe it to the young, not only in words, but in practice also to give them much wider possibilities for participation and influence in the Party's life. They earned that by their contribution in affirming our policy and defending its values as well as in the protests that have taken place within the last few months.

The Federal Government fell because of the violation of the state's Constitution and laws. The SPS deems that in the new Government there should not be a place for those directly responsible for the unconstitutional decree on extradition.

Expressing the mass requests of the citizens of Serbia, the SPS demands the resignation of the republican Government that is responsible for the violation of the Constitution of Yugoslavia and Serbia, of the decision of the Federal Constitutional Court, for usurpation of authority that does not belong to it, for the abduction and extradition of Slobodan Milosevic to NATO.

Elections must not be delayed further.

No one should interfere with new elections - not the US, nor the EU nor Soros nor similar forces.

The many difficulties we have endured and struggled with have made us stronger. We are facing old and new difficulties, challenges and new possibilities.

If the SPS has been a support for Serbia and Yugoslavia in defence of the state, of freedom and of social justice up to now, then the SPS shall be even more needed in the future, exactly because those basic values are even more jeopardized.

In the coming period it is our duty to pay much more attention to the analysis of economic and social problems and to spreading SPS influence among workers, the people who suffer most due to such problems.

Issues involving agriculture and rural areas must be approached in a more organized manner, a manner befitting the Party that has always had its greatest support in rural areas.

The intelligentsia is a natural support for the SPS as a widely based, open Party with a Left orientation. Even though daily more and more intellectuals - scientific, cultural and public workers - accept and support our positions on actual issues, our actions and have the same positions regarding the future of the state and the people, we have to contribute much more to fully activate that potential support.

People's energy, stimulated by mass protests, has to be maintained. The ideas and requests of people's rallies must be even more decisively affirmed and struggled for via parliamentary caucuses, the media, and through international contacts.

Above all this applies to persistence in demanding that responsibility be established for those who violated the Constitution, laws, moral and international rules in connection with the abduction of President Slobodan Milosevic. The vast majority of Yugoslav people also demand the abolition of the Hague Tribunal as an extended hand of NATO. At the same time, this is a demand of the international public and especially scientific, cultural and legal professionals.

For crimes in Yugoslavia the address is NATO, not the defenders of freedom!

Whatever the intention of its master, until the Hague 'Tribunal' is abolished it will be a stage on which the conquering, Imperial nature of NATO exposes itself.

The Socialist Party of Serbia calls upon all citizens, all democratic parties and organizations, all cultural and scientific institutions to demand early elections, free democratic life in the country, an end to dictatorship, a dignified entrance into the circle of free countries of Europe and the world, without protectorate and colonial servility, with belief in its own spiritual strength and economic and creative potentials.

Our Party has strength, decisiveness and enough expert cadres to contribute towards such a perspective for Serbia and Yugoslavia.

van holst en steijnen

From: TARGETS <redactie@targets.org>
To: <office@globalreflexion.org>
Sent: zaterdag 14 juli 2001 12:56
Subject: The Love Song of Arbour and Albright

The URL for this article is <http://emperors-clothes.com/milo/lovie.htm>

Send this article to a friend!

www.tenc.net

[Emperor's Clothes]

The Love Song of Arbour and Albright

Due to the stand taken by Slobodan Milosevic, everyone is asking: is the Hague 'Tribunal' a legitimate court? If it is not, if it is in fact a sham, then it must be an instrument of NATO/Imperial rule; there is no third alternative. And if it is an instrument of Imperial rule, used to demonize and punish those who, coming from materially poor countries, nevertheless dare to resist U.S. control, then citizens of the NATO countries must act against it. Otherwise, shall we not share a shameful responsibility? (1)

Below are excerpts from a joint press conference held April 30, 1999, by Louise Arbour, then Chief Prosecutor of the ICTY (The Hague 'Tribunal') and U.S. Secretary of State Madeline Albright.

A) At the time, the United States and other NATO countries had spent five weeks perpetrating the main international crime: waging an aggressive war against a state which had invaded no other.

Moreover the United States and its allies:

- * Bombed civilian facilities (a war crime)
- * Dropped anti-personnel weapons (a war crime)
- * Bombed a train and at least one refugee column (both war crimes)
- * Bombed Serbian TV (a war crime)
- * And deliberately created an environmental catastrophe by bombing chemical facilities in Pancevo (a war crime).

In the press conference, Arbour made no reference to these publicly known war crimes. Instead she accepted as her only field of concern NATO's accusations against Yugoslavia. These accusations, which have been over and over exposed as without foundation, and even lies, were used to justify the crime of bombing Yugoslavia.

B) In this highly visible forum, Albright instructed Arbour to indict President Milosevic.

[Start quote from Albright] "Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts." [End quote from Albright]

Instead of rejecting what would be a gross and humiliating interference if the 'Tribunal' were a real court, Arbour coyly (and shamelessly) linked the execution of said indictment with increased funding and help in gathering (or, one should say, fabricating) evidence:

[Start quote from Arbour] "We are here, and elsewhere, to ensure that we get the assistance to move the cases forward in that direction. Whether it points to any particular individual, I think the law is very clear: there is no immunity before our Tribunal for heads of state. There's no immunity,

initially, for any individual, both in a personal or a command responsibility position. All our discussions take place in that framework." [End quote from Arbour]

C) The crucial question to ask about any would-be judicial system is this: is it independent? That is why Justice is pictured wearing a blindfold. At the end of the excerpts is a special section featuring Arbour's references to NATO countries as her 'partners.'

Hmmm. It occurs to me that if you just add one little 'e' to 'sham' it gives you 'shame.'

--JI

Press Conference Excerpts

Secretary of State Madeleine K. Albright and
Justice Louise Arbour, International Criminal Tribunal for the Former
Yugoslavia
Joint Press Conference
Washington, D.C., April 30, 1999
As released by the Office of the Spokesman
U.S. Department of State

Secretary of State Madeleine K. Albright and
Justice Louise Arbour, International Criminal Tribunal for the Former
Yugoslavia
Joint Press Conference
Washington, D.C., April 30, 1999
As released by the Office of the Spokesman
U.S. Department of State
<http://secretary.state.gov/www/statements/1999/990430a.html>

SECRETARY ALBRIGHT: Justice Arbour and I today discussed how the United States can provide more information to the Tribunal, and how to speed up delivery of potential evidence to The Hague. I assured her that we are asking Congress for additional resources for the Tribunal to meet new demands for investigations in Kosovo. And we discussed other needs of her investigations, which I am not going to get into, but which I assure you that the United States will do everything we possibly can to meet.

We are also thinking ahead to the Tribunal's needs after the fighting stops. We have consulted with Justice Arbour and begun planning for how we could facilitate access by Tribunal investigators to crime scenes in Kosovo.

The Tribunal now needs real-time support for its Kosovo investigations, and the United States is determined to give it. The world needs to know exactly what is happening there, and we are committed to helping discover it. Milosevic's victims, and those everywhere who love justice, need to know that there will be no impunity for those who commit these heinous offenses. And we're committed to helping the Tribunal ensure that those responsible are held accountable.

Justice Arbour.

JUSTICE ARBOUR: Thank you. I don't have a statement. I think I'd rather turn to your questions, except to say that I've had very fruitful discussions. We had announced a few weeks ago that we now need unprecedented assistance, in order to respond to the kinds of allegations that are coming out of Kosovo in a time frame that will make our work relevant. The discussions I've had in Germany, in the United Kingdom, here, and that I hope to have in France next week, are very much a part of our effort to obtain this kind of assistance. I'm happy to say that the support that is promised to us is starting to materialize, and I hope that it will permit us to face this massive flow of information and organize it in a coherent fashion that will allow us to discharge our mandate in a real-time environment.

QUESTION: Did you discuss an indictment of Slobodan Milosevic, and did you discuss reports that Justice Arbour is planning to leave this position; and what is the US view of that?

SECRETARY ALBRIGHT: Well, obviously, the question of what is going to happen to Mr. Milosevic is a subject that is very much on our minds, and Justice Arbour knows what we have said both publicly and privately; that she and the Tribunal need to follow out the trail of evidence to its conclusion. We, as I said, are supportive of her efforts.

She and I did not personally discuss the subject of – it is my understanding. We talked about the challenge of the position. I was there when she was chosen as prosecutor, and I made very clear to her our tremendous support for the work that she has done and will continue to do. She is a great public servant, and someone that the international community has the highest respect for.

JUSTICE ARBOUR: ...We are here, and elsewhere, to ensure that we get the assistance to move the cases forward in that direction. Whether it points to any particular individual, I think the law is very clear: there is no immunity before our Tribunal for heads of state. There's no immunity, essentially, for any individual, both in a personal or a command responsibility position. All our discussions take place in that framework.

[Arbour used the word "partners" several times in the press conference. Following are some choice:

'PARTNER' EXCERPTS

1 - Arbour: "We have long-standing relationships with [NATO] information providers. We are now looking at trying to accelerate the flow of that kind of information and the quality of the product. Of course, we're doing so at a time where that the collection capacity of all these potential providers is taxed by the need for them to collect information relevant to their efforts in the region.

"So we are, of course, competing with other interests at a time when we're trying to get access for information for our purposes. It's a dialogue and a partnership that we have to maintain."

2- Arbour: "I can assure you that one of the main subjects of discussion that I raised – not only here but in all the capitals that I visited recently – is the need for an immediate, very robust arrest initiative in Bosnia.... I believe that what will ...have a very immediate impact – would be the demonstration that we have the capacity to investigate and we have partners who have the political will and the operational skills to execute arrest warrants even in hostile environments."

3 - Arbour: "There's no question that we would like to access the largest number of pieces [of information] and to have the capacity to process this information. As I said, I think we've now put in place mechanisms that allow us, in partnership with many others who are in the field in Albania and in Macedonia, to try to process refugee accounts and, from our point of view, select those who will provide the best base for a court case that will be reflective of the magnitude of what has transpired."

Further Reading:

1) "Reichstag Fire Trial, the Sequel," by Jared Israel. Biting account of Slobodan Milosevic's appearance the the 'Tribunal.'
<http://emperors-clothes.com/milo/point1.htm>

2) 'SZAMUELY'S LIST, PART 1 - 22 Reasons Why I Don't Want to be Imprisoned by the Hague Tribunal' <http://emperors-clothes.com/articles/szamuely/szam.htm>

3) 'Back to the Dark Ages?' by Jared Israel at
<http://emperors-clothes.com/articles/jared/bac.htm>

4) 'Learning from the Inquisition,' by Prof. Kosta Cavoski at
<http://emperors-clothes.com/articles/cavoski/c-4.htm>

TARGETS - Independent monthly paper on international affairs

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>; <speerpunt@wxs.nl>
Sent: maandag 9 juli 2001 16:03
Subject: Fw: - Ljudska prava - Guadian: War crimes hunt turns heat on Croatia's ally, by Peter Beaumont and Ed Vulliamy

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

From: petar <petar@mail.cyberus.ca>
To: <Recipient list suppressed>
Sent: Monday, July 09, 2001 2:49 PM
Subject: - Ljudska prava - Guadian: War crimes hunt turns heat on Croatia's ally, by Peter Beaumont and Ed Vulliamy

What are the chances to see MPRI / US generals explaining the World what they did to the Serbs in Krajina and Bosnia? Boba

Guns secret set to haunt US
 War crimes hunt turns heat on Croatia's ally

Peter Beaumont and Ed Vulliamy
 Observer

Sunday July 8, 2001

The Croatian government met in emergency session yesterday to decide how to respond to sealed indictments issued by the international war crimes tribunal this weekend against two former generals accused of murdering Serb civilians, threatening a new political crisis in a country still struggling to recover from war.

The indictments of the generals - for the massacres of hundreds of Serb civilians between 1993 and 1995 - is also threatening to lift the lid on one of the murkiest episodes of the Balkan wars: the secret arming of the Croats by the United States.

While neither Carla Del Ponte, the chief prosecutor of the Hague tribunal nor Croat Prime Minister Ivica Racan has disclosed the names of those charged, the likely suspects are Ante Gotovina, a commander during the 1995 offensive, and Rahim Ademi, who is of Kosovo Albanian origin. Both men have now retired.

Ademi is likely to be charged with responsibility for the killings of dozens of Serbs during a 1993 offensive in central Croatia against the Serb rebels.

While the crimes allegedly committed by Ademi predate the period of US military assistance, those allegedly committed by Gotovina fall squarely into it. They came during a time of stunning military successes for the Croats on the battlefields of the Serb occupied Krajina and eastern Slavonia, in which US personnel were heavily implicated. The history of US assistance to the nationalist regime of former President Franjo Tudjman dated back to March 1994 when the Croatian Defence Minister, Joko Susak, approached the Pentagon to ask for help with military training.

While the Pentagon turned down the request it directed the Croats to a Virginia-based military consultancy firm, Military Professional Resource Inc (MPRI), staffed by former generals whose main client was the US army. A contract licensed by the Pentagon was signed with the Croatian army.

While MPRI denied that its advisers were involved on the ground during the Croatian offensives, UN officials in the Balkans at the time refused to believe it.

At the same time that US advisers were training Croat soldiers for Operation Storm - the drive to retake Krajina - in how to conduct large-scale operations, both the American Defense Intelligence Service and the CIA were building up their strength at the US embassy in Zagreb. Part of that operation, said sources at the time, was to provide the intelligence for the Croat assaults.

In 1995 The Observer reported claims by United Nations officials that American intelligence and forces were deeply involved in Bosnia and Croatia, and that the US breached the UN arms embargo with flights carrying arms to both the Bosnian and Croat forces.

The new indictments have come as the war crimes tribunal has accelerated its efforts to bring to justice all those it believes responsible for directing atrocities in the wars of the former Yugoslavia.

Last week Bosnian Serb Prime Minister Mladen Ivanic led a delegation to The Hague saying his government, which has hitherto refused all co-operation with the tribunal, was 'ready to extradite' the former Bosnian Serb leader Radovan Karadzic and General Ratko Mladic, now the Hague's most wanted fugitives. Ivanic was given short shrift from Del Ponte, who promptly lambasted the Bosnian Serbs, saying: 'At any given time, the authorities of the Bosnian Serb Republic know, or are in a position to know, the whereabouts of our most wanted fugitives.'

She added: 'It is a well-known fact that at any time, Ratko Mladic has been enjoying the protection of the Bosnian Serb military.'

The potential for embarrassment from the UN war crimes process is not limited to Del Ponte's accusations against the Bosnian Serbs, it also threatens to lay bare the conduct of the international community during a decade of Balkan crises.

Already Slobodan Milosevic has threatened to embarrass at his trial international negotiators he says 'rehabilitated him' in secret deals. And the hunt for Karadzic is threatening to expose French complicity in his evasion of arrest.

The pressure to deliver him falls not only on the Bosnian Serbs but on the French peacekeepers in whose zone he has moved freely for six years since the war's end. Indeed a last-minute French tip-off to Karadzic is alleged to have stymied an attempt by the British SAS to grab him in 1997.

The tribunal regards the capture of Karadzic and Mladic as crucial to the cases it is building, with some officials concerned that a trial of Karadzic and Mladic should precede that of Milosevic.

Karadzic is regarded as the crucial bridge connecting the captive Milosevic to three and a half years of bloodshed in Bosnia.

Guardian Unlimited © Guardian Newspapers Limited 2001

Za izlazak sa liste, posaljite prazno pismo na:
ljudska_prava-unsubscribe@egroups.com

Za upis novih clanova, prazno pismo sa emaila
novog clana na adresu:
ljudska_prava-subscribe@egroups.com

Prezentacija je na adresi:
http://www.egroups.com/group/ljudska_prava

Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Herman de Tollenar <my636847@asianhistory.myweb.nl>; <speerpunt@wxs.nl>; Globalreflexion <office@globalreflexion.org>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: maandag 9 juli 2001 16:00
Subject: Fw: - Ljudska prava - There was never any question that Milosevic was above the law. But is NATO?

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

From: Miroslav Antic
To: NSP ; NATO ; Sorabia@Yahoogroups.Com ; News ; BALKAN ; SNN ; 'YAHOO'
Cc: Sin ; Balkans ; Diplomat ; LJudska Prava ; SIM-Egroups ; SIM
Sent: Thursday, July 05, 2001 3:09 AM
Subject: - Ljudska prava - There was never any question that Milosevic was above the law. But is NATO?

There was never any question that Milosevic was above the law. But is NATO?

by Stephen Gowans

The extradition of Mr. Milosevic is a vindication of the whole idea of international law, declared one newspaper. Another: No one can escape the long arm of international law. To which may have been added, "Except Ariel Sharon, Bill Clinton, Tony Blair, Henry Kissinger, and a list longer than your arm."

As seems to be true with much you read in the newspaper, the exact opposite of what front pages proclaim is closer to the truth. Milosevic being hustled onto a plane to the Hague wasn't a vindication of international law. It was the very repudiation of the whole idea that international law should apply to all, and that no one — not Sharon, or Clinton or Blair — stands above it.

Mr. Milosevic has been extradited to a court that was largely established, and is controlled, by the same countries that openly violated international law when they bombed Yugoslavia for 78 days in 1999. They will never have to answer for their breaches of international law, or for war crimes and crimes against humanity committed in reducing the civilian and economic infrastructure of Yugoslavia to rubble, and neither for the killing of hundreds, if not thousands, of Yugoslav civilians. Nor for the permanent disabilities of thousands of others.

The tribunal is the creation of the UN Security Council, whose members, including the US and Britain, the principal NATO countries, enjoy immunity from prosecution, by virtue of the vetoes they wield on the Security Council, and by virtue of the fact that they've appointed the prosecution staff. The proposed International Criminal Court, which would make prosecution of all leaders possible by removing the odious principle that Security Council members stand above the law, has been blocked by the US. Some are above international law, others are not. Washington likes it that way.

Despite the strong propagandistic strain that snakes its way through descriptions of Milosevic as a strongman, as heartless, as the "butcher of Belgrade," the case for prosecuting NATO's leaders is stronger than the case against Milosevic. The tribunal hasn't indicted Milosevic on genocide charges. All the bodies NATO darkly warned of, were never found. Instead, he's been indicted for the murder of 391 people. By contrast, the most conservative estimate of the number of Yugoslav civilians killed by NATO bombs — made by Human Rights Watch — is 500. Other groups put the number higher, in the order of 2,000. And that doesn't include the thousands who will eventually die from cancers induced by the terrible environmental catastrophe NATO's air assault wrought. As writer Diana Johnstone put it, "American officials are quoted as urging Serbian authorities to keep searching for some crime committed by Milosevic, since 'he's certainly guilty of something...' No such frantic search is necessary to find the guilt of NATO leaders. They launched an illegal war. They targeted civilian infrastructure, used toxic weapons."

The strategic forecasting group, Stratfor, warns that the tribunal has set the bar so low on prosecution of leaders, that it's now "easy for international courts to try a variety of foreign leaders and military officers, including Americans." Gasp! Not to worry overly much, Stratfor quickly adds, "No court in the world has the ability to coerce China, Russia or the United States to hand over a current or former leader."

Law hardly matters here, a point Stratfor acknowledges, if not the media. All that matters is who has more power. NATO brazenly tramples international law to attack Yugoslavia because it can get away with it, and the Serb Prime Minister, Zoran Djindjic, brazenly ignores the federal parliament and the Constitutional Court to transfer Milosevic to the Hague. Djindjic's actions are as outrageous, it's been pointed out, as the governor of Georgia turning over a prisoner to an international tribunal in defiance of the President, the Congress, and the Supreme Court. There's no rule of law here.

It's hard not to conclude that the press doesn't exist to serve a propaganda function, when blatant violations of the rule of law are held up as vindications of the rule of law, or when, in another part of the world, Goliaths, with helicopter gunships and jet fighters and bulldozers, become make-believe Davids, threatened by make-believe Goliaths hurling stones. Or when who's called a rebel and who's called a terrorist depends entirely on power politics, and who spoon feeds an ever complicit media their own self serving version of events.

One newspaper headline astonishingly missed the mark by proclaiming: Milosevic is not "above the law." Of that, there was never any doubt. The question is, Is NATO above the law? Sadly, there's little doubt about that either — expect in newspapers.

Mr. Steve Gowans is a writer and political activist who lives in Ottawa, Canada.

Source: <http://www.mediamonitors.net/gowans15.html>

by courtesy & © 2001 Steve Gowans

by the same author:

10-07-01

The US, Not Iraq, Wins Hands Down as The World's Most Dangerous Country
A McDonalds in Every Foreign Port Worth This?
Sorting Through the Lies of the Racak Massacre and other Myths of Kosovo
More in 'Perspective'

Copyright © 2001 Media Monitors Network. All rights reserved.

Miroslav Antic,
<http://www.antic.org/>

Za izlazak sa liste, posaljite prazno pismo na:
ljudska_prava-unsubscribe@egroups.com

Za upis novih clanova, prazno pismo sa emaila
novog clana na adresu:
ljudska_prava-subscribe@egroups.com

Prezentacija je na adresi:
http://www.egroups.com/group/ljudska_prava

Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).

van holst en steijnen

From: Jovan Grbic <ssicc@planet.nl>
To: <n.h.van.holst@freeler.nl>; <arthurjk@euronet.nl>; Sima Mraovitch <mraovit@ext.jussieu.fr>; <redactie@targets.org>; <yuambanl@bart.nl>; <106057.1021@compuserve.com>; <dceca@yubc.net>; Antiimperialist Camp News <camp@antiimperialista.com>; <Lukbrusselaers@cs.com>
Sent: vrijdag 8 juni 2001 17:58
Subject: Case Opened Against Fikret Abdic

Case Opened Against Fikret Abdic

Comments prior to the article came with the email I received:

[Fikret Abdic led the most progressive armed movement in the brutal and hate filled Bosnian war that sought to establish an Autonomous Region of Western Bosnia. This area of Bosnia was steeped in a very strong partisan and anti-fascist resistance stemming from the WWII struggle against Nazi occupation in Yugoslavia and having been victims of an enormous massacre of 7,000 people, mostly Serbs, carried out by the Nazi occupation forces (this is the massacre in which the former-UN Secretary General Kurt Waldheim was implicated in). This area (which straddled the Bosnian and Croatian border) was largely peopled by Muslims, Serbs, and some Croats who upheld Yugoslav ideals of solidarity. Abdic was a leading member of the SDA and Bosnia's most popular politician until he was removed by the US-backed Islamist factions headed by Izetbegovic. Abdic and his followers sided with those Serbs who wanted to preserve Yugoslavia and feared the rise of local fascism backed by the Great Powers. Abdic fought by the Serbian side in Bosnia until both the RSK and the ARWB were crushed by a co-ordinated offensive of NATO airstrikes, and a ground offensive by CIA and MPRI trained 5th Corps of Alija's army and the Croatian regular army, thereby launching an ethnic-cleansing operation that eliminated 250,000 Serbs and some 50,000-80,000 Muslims from their traditional homes. It now seems that the NATO backed governments of the region are moving against the only figure who unambiguously stood and was ready to fight for the preservation of multi-ethnic harmony and the ideals of Yugoslavia in the Bosnian conflict.]

"Case Opened Against Fikret Abdic" By: R. Arsenic Politika (Belgrade)

ZAGREB (June 6, 20001) - After two months of preparations the regional state prosecutor in Rijeka initiated a case against Fikret Abdic, a citizen of B&H and Croatia, who has been based for a while now in Opatija, where the HQ of his company is found. By this act, the long-standing controversy between Bosnia and Croatia over the eventual fate of the leader of the Autonomous Movement for Western Bosnia - where Abdic has the support of his own people who followed him in resistance to the centralism of Alija Izetbegovic and his SDA.

Fikret Abdic lost that war (even though he had won in elections), and the Izetbegovic regime has since accused him of war-crimes against those who disagreed with his policies and has asked for Abdic's extradition from Croatia to which he fled and whose citizenship he held.

After his military defeat in the region of Cazinska Krajina and Velika Kladusha at the hands of the 5th Corps. of the ARBiH more than 50,000 Muslims loyal to Abdic - some put the figure at 80,000 - moved into the neighboring Republic of Serbian Krajina (RSK) to seek refuge. This fact proved that the propaganda claiming that the war was rooted in an unbridgable gap between Serbs and Muslims was false, but that its roots lied somewhere else. Soon after this the RSK also fell and the fact that Muslims were escaping from Alija's men and seeking refuge with the Serbs was quickly suppressed by those who didn't want to highlight these truths because they brought into question already formed stereotypes of the conflict.

Alija's regime couldn't forgive Fikret's rebellion, and judging from

the available evidence they also couldn't support his unquestionable popularity with not only the people of the region of Cazinska Krajina (remember that Abdic received the most votes in Bosnia, but Izetbegovic nonetheless seized the Presidency in the early 1990s). This is why after the fall of the Autonomous Region of Western Bosnia that Croatia received a demand from Bosnia to extradite Fikret Abdic, who was accused of having opened a camp near Velika Kladusha and for the torture of prisoners within the camp.

According to the statement of Rijeka's prosecutor Draga Marincela, the case against Abdic is composed of documents that were obtained from Bosnia, and is being raised on the basis of the international treaty between Croatia and Bosnia regarding approaches to criminal cases, and following the Bosnian governments acceptance of this process.

R. Arsenic

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>
Sent: donderdag 2 augustus 2001 13:05
Subject: Fw: - Ljudska prava - GREGORY ELICH: YUGOSLAVIA'S REAL WAR CRIMINALS ARE NOT ON TRIAL

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

From: Miroslav Antic
To: NATO ; Sorabia ; News ; BALKAN ; SNN ; 'YAHOO'
Cc: Sin ; KPJ ; LJudska Prava ; ZVUK ; 'Skwl'
Sent: Thursday, August 02, 2001 1:51 AM
Subject: - Ljudska prava - GREGORY ELICH: YUGOSLAVIA'S REAL WAR CRIMINALS ARE NOT ON TRIAL

2001-08-01

GREGORY ELICH: YUGOSLAVIA'S REAL WAR CRIMINALS ARE NOT ON TRIAL

The blare of media fanfare exhorts us to celebrate the abduction and imprisonment of former Yugoslav President Slobodan Milosevic. Though widely touted as a victory in the American crusade for human rights, the arrest of Milosevic fits a quite different pattern when seen in the context of the history of post World War II history. Whether waving the banner of freedom or waving the banner of human rights, Western leaders have consistently sought to obscure both their motivations and the often-dreadful consequences of their actions. Freedom was never a concern. Nor were human rights, but such rhetorical justifications helped to engage domestic public support for international adventures designed to serve corporate interests. The lure of profit always takes precedence over the lives of millions. Every year, 40 million people die needlessly of hunger, victims of a global capitalist system that cherishes wealth, but human lives not at all. In terms of death, this silent holocaust is the equivalent of a Second World War - in which 55 million died - taking place every year and a half. Yet a drop in the Stock Market evokes more concern. Such a system is monstrous. One can gauge Western commitment to human rights and justice by examining the record of these self-appointed judges. History is replete with examples, so a few cases will have to serve as a synecdoche.

In August 1995, Croatian troops invaded Serbian Krajina. Within days, virtually the entire Serbian population, over 200,000 people, was driven from their homes. U.S. NATO warplanes spearheaded the assault, bombing Serbian radar and anti-aircraft sites. American EA-6B Electronic Warfare aircraft jammed Serb military communications. Croatian troops, trained and supplied with weapons and satellite reconnaissance by the U.S., rampaged through the Krajina, burning down homes and slaughtering thousands who couldn't escape in time. It was the single greatest refugee crisis of the 1991-95 Balkan civil war, and it was U.S. officials who gave the go-ahead to the Croatian government. Serbian Krajina was closely associated with Yugoslavia, the last remaining socialist-led government in Europe, and decidedly outside the orbit of Western control.

In March 1998, the secessionist Kosovo Liberation Army (KLA) was a small force with about 300 members. Turning a blind eye to the KLA's policy of murder and intimidation, the U.S., Germany and Great Britain sent arms shipments and provided training to the KLA, building it up into a major guerrilla army with as many as 30,000 members. Western intervention turned a small conflict into a major crisis. As a pretext, NATO relied on the crisis it had created in order to justify waging a war of aggression against Yugoslavia. Foremost among crimes against humanity is the crime against peace, and for this crime NATO and Western leaders clearly bear guilt. Every town and city in Yugoslavia was the target of their bombs. My travels throughout Yugoslavia shortly after the war confirmed that NATO deliberately targeted civilians. Entire residential areas were wiped out. Factories, schools, hospitals, bridges, apartment buildings, houses, offices and a passenger train were destroyed. Cluster bombs, anti-personnel in nature, were dropped on residential areas, tearing human beings to pieces. Over 2,000 civilians were killed and over 10,000 wounded by NATO.

Western leaders could not sell the war to their publics by revealing that it was intended to create a market friendly to Western corporate interests, so they concocted the lie of concern for Albanian human rights. When NATO bombs started falling, Serbian extremists became enraged, blaming Albanians for the bombs. Right-wing paramilitary squads formed, venting their rage on Albanian civilians in mainly border areas of Kosovo. Rogue police and criminal gangs, both Serbian and Albanian, took advantage of the chaos to loot homes and drive away occupants. Yugoslav security forces, the target of NATO bombs, struggled to stabilize the situation. By the third week of the war, they were escorting Albanian refugees back to their homes, and within two months order had been restored to most of Kosovo. Yugoslav security forces fought against the terrorism of both the KLA and Serbian paramilitaries, and by the end of the war had arrested over 800 Serbian extremists for crimes against Albanian civilians.

President Milosevic's position was consistent. He advocated ethnic equality. His delegation at Rambouillet peace talks consisted of members of every ethnic group in Kosovo, including Albanian. Serbs were a minority in the Yugoslav delegation. At the talks, the Yugoslav delegation offered wide-ranging autonomy for Kosovo. Repeatedly, Milosevic stated his commitment to a multi-ethnic society. His words from a 1992 speech are typical: "We know that there are many Albanians in Kosovo who do not approve of the separatist policy of their nationalist leaders. They are under pressure, intimidated, and blackmailed, but we shall not respond with the like. We must respond by offering our hand, living with them in equality, and not permitting that a single Albanian child, woman, or man be discriminated against in Kosovo in any way. We must, for the sake of all Serbian citizens, insist on the policy of brotherhood, unity, and ethnic equality in Kosovo. We shall persevere on this policy." A monumental propaganda campaign has succeeded in achieving one of the most astounding smear campaigns in history, painting a democrat devoted to socialist ideals as a racist hate-monger.

Milosevic's offense was his opposition to privatization and foreign control of the Yugoslav economy. The U.S.-organized Balkan Stability Pact called for a region under the sway of the free market model. Yugoslavia, strategically positioned along the Danube and astride a major highway transportation route, stood in the way of the effort to place the Balkans under complete and total Western economic domination.

The common thread running through these examples is not a zeal for justice and human rights by the West, but a vindictive urge to seek the

imprisonment or murder of its opponents. Nothing can stand in the way of corporate profits. As one man in Yugoslavia told me, "I think our President Milosevic is more of a problem for imperialism than for us."

Who can believe that Milosevic could possibly receive a fair trial at the hands of the International Criminal Tribunal for Former Yugoslavia (ICTY)? He wasn't even allowed to speak at his arraignment without having his microphone twice switched off. During NATO's war against Yugoslavia, the Tribunal hastily composed its indictment of Milosevic and four other Yugoslav leaders in order to bolster sagging public support for the war. Created and funded by the same Western powers that carried out NATO's war, the ICTY serves its master. The trial is widely, and rightly, seen as setting an important precedent. No longer would international law be an impediment to action. Already the war established that Western powers could wage war without authorization by the United Nations. The trial will establish their right to seize anyone without regard to borders or legal niceties. Anyone resisting Western demands would be threatened with abduction and imprisonment. It will be yet another tool for imposing Western domination over other nations, and make no mistake, it will be used. The trial of Slobodan Milosevic will be a show trial with a preordained verdict.

The real war criminals are not on trial. They act as judge and jury. We are witnessing the outrageous spectacle of criminals judging their victims. President Milosevic's only crime was that he had the courage to stand up to NATO despite overwhelming odds, to patriotically defend his country against aggression. Shortly after the war, I was a member of a delegation that interviewed Albanian refugees who fled to Belgrade. Among those we interviewed was Fatmir Seholi, Chief Editor at Radio Television Pristina until NATO troops entered Kosovo and expelled him from the province. Unlike those in the West deluded by propaganda, he knew a real war criminal when he saw one. "Every NATO bombing was a big problem," he told us. "There was no purpose relating to the Serbian nation or the Albanian nation. Whether that was their purpose or not, people were killed. The man who could command NATO to bomb people is not human. He is an animal. After the bombing at Djakovica, I saw decapitated bodies. I have pictures of that. It is horrible, terrible. I saw people without arms, without feet." Seholi demanded, "Who is Clinton to accuse another? I would like to say to Hillary Clinton that her husband is an immoral person. That man ruined our state for no reason. What would he say if someone bombed the United States, bombed the White House, or killed or raped his daughter? Who is the evil man here? Milosevic, who is protecting the territory of Yugoslavia and protecting the people of Kosovo, or Clinton, who bombs us?"

Prepared by Gregory Elich

<http://english.pravda.ru/main/2001/08/01/11509.html>

Za izlazak sa liste, posaljite prazno pismo na:
ljudska_prava-unsubscribe@egroups.com

Za upis novih clanova, prazno pismo sa emaila
novog clana na adresu:
ljudska_prava-subscribe@egroups.com

Prezentacija je na adresi:

http://www.egroups.com/group/ljudska_prava

Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).

van holst en steijnen

From: Jovan Grbic <ssicc@planet.nl>
To: <Joveljic.Nebojsa.N@bhp.com>; <dceca@yubc.net>; <yuambanl@bart.nl>; <arthurjk@euronet.nl>; <n.h.van.holst@freeler.nl>; <redactie@targets.org>; <STOP-NSP@topica.com>; Djordje Blagojevic <djobla@yubc.net>
Sent: dinsdag 26 juni 2001 12:12
Subject: SAME SONG, SECOND VERSE

SAME SONG, SECOND VERSE
 by Stella L. Jatrass

The recent discovery of "Kosovar" bodies in a refrigerated truck that was recovered from the river Danube once again points to an alleged Serbian atrocity.

It seems to me I've heard that song before. What is different this time is that the Serbian police have pointed the accusatory finger at former Serbian president Slobodan Milosevic. But there is something here that just doesn't sit right. There are too many unanswered questions and what I offer is mere speculation on my part.

What doesn't make sense to me is that where the refrigerated truck was found is more than a four hour drive, even on good roads, from Kosovo. Furthermore, the area where the truck was found is known for smuggling illegal aliens. Too often we have heard of smugglers, when they thought they were going to be caught, dumping their cargo in the ocean, or abandoning their human cargo to die in the containers in which they were being transported to their illegal destinations.

What I fail to understand is why this could not be considered a possibility and why the Yugoslav government is so anxious to blame this unspeakable act of murder on Milosevic even before thoroughly investigating the incident, thereby collectively condemning the Serbs. What it also indicates is that the Serbs may actually be beginning to believe the lies that they have had to endure for so many years. What's the old expression? If you tell a lie enough times, it becomes the truth? Furthermore, we don't even know for sure who these people were - for all we know, they could have been Gypsies, or from any one of the Turkic countries. One report said that "A total of 86 bodies, believed to be [let me repeat that] "believed to be" Kosovo Albanians, were found in the freezer truck," putting into question their nationality whereas another report (UPI) of June 2 stated that "A senior Serbian police officer said Saturday that a mass grave has been located, believed to contain the bodies of women, children and old men from a refrigerated truck hoisted from the Danube River in April 1999." It should be noted that this report mentions no nationality of the victims.

Too often we have heard of shocking atrocities attributed to the Serbs - Racak, Trepcja, genocide, mass graves, cannibalism, mutilations, castrations, rapes, ethnic cleansing and some of the most outrageous charges known to man which the world was all too eager to believe before they were discredited by the evidence, and yet the accusations keep coming. And now that curse has fallen on the Serbs themselves, all too ready to believe this latest accusation. Once again, we will hear calls to de-Nazify the Serbian nation collectively, just as there were calls to de-Nazify the Germans.

And too often the Serbs have been accused of such atrocities only to learn later, after irreversible damage, that the Serbs were not responsible. To the contrary, the alleged atrocities were, in reality, committed by Senator Joe Lieberman's pals, the Kosovo Liberation Army (KLA), an army that rapes Serbian nuns, murders Serbian priests, destroys ancient churches and monasteries (all under the protective noses of KFOR), who are engaged in sex slavery, prostitution, murders, kidnapping, and drugs, a band of cutthroat gangsters about whom Senator Lieberman sings high praises: "The United States of America and the Kosovo Liberation Army stand for the same human values and the principles . . . Fighting for the KLA is

fighting for human rights and American values."

(Washington Post, Apr. 28, 1999).

THE QUESTION MUST THEN BE ASKED:

Why would Yugoslav investigators go along with what they are calling another unspeakable atrocity allegedly committed by Serb forces supposedly on the orders of former president Slobodan Milosevic? Perhaps the answer lies in an AP report which stated, "Police link former President Slobodan Milosevic on Friday to cover-up of atrocities in Kosovo, including the dumping of bodies in the Danube River - a revelation that could help the U.N. war crimes tribunal." I repeat, "help the U.N. war crimes tribunal." Another relevant headline reads, "Serbs exhume bodies that could, [let me repeat that also] "that could" implicate former Serbian president Slobodan Milosevic." As for the Yugoslav investigative authorities cooperating in this latest effort to send Milosevic to The Hague, it conjures up Stalin's show trials where the accused had already been found guilty as an enemy of the State. Today's War Crimes Tribunal serves the same purpose as a warning to others who oppose The New World Order.

Do the Yugoslav authorities really believe that their participation in something as doubtful as to who the victims are and who the culprits are before fully investigating is in the best interest of the Serbian people? With this latest revelation, tremendous pressure is being put upon Serbian president Vojislav Kostunica to turn Milosevic over to the War Crimes Tribunal. If he capitulates, he stands to lose the support and trust of the Serbian people. If he stands by the Constitution, he loses the desperately needed financial aid from the very people who bombed his nation back to the stone age and ironically, earning him disrespect from the international community for turning his back on his own people. Either way, it does not bode well for the president.

Evidently, there those in the Yugoslav government who believe that by cooperating with The Hague's Chief Prosecutor Carla del Ponte, she will look upon them with favor and grant them a few crumbs from the table. Do they really think that by handing over Milosevic to a voracious "Inspector Javert," they will be rewarded with their 30 pieces of silver? Or are they more interested in undermining President Kostunica?

I totally agree with Serbian Justice Minister Vladan Batic who has accused The Hague's Chief Prosecutor of exercising one rule for Serbs and another for Croats, Muslims and Albanians. In letters to del Ponte, he criticized her failure to issue war crimes indictments against anyone other than Serb leaders. Batic accuses her of "hounding Serbs and saving her Mother Theresa-treatment for everyone else," calling on the Chief Prosecutor to show that Serbs are often the greatest victims, not merely the executors in every case.

And finally, IF this is true, and frankly, in my estimation, it is a big "IF," the Serbs should turn this around to their advantage and say, "We Serbs have owned up to atrocities that we have committed; now it is for you Croats, Bosnian Muslims and Albanians to do the same."

Perhaps I'm sticking my head in the sand, but too often the Serbs have taken the rap for atrocities they didn't commit and frankly, I'm tired of it.



institute for war & peace reporting

[About IWPR](#) | [Publications](#) | [Programmes](#) | [Opportunities](#) | [Subscribe](#) | [Contact Us](#)



- [Balkans](#)
- [Tribunal](#)
- [Caucasus](#)
- [Central Asia](#)
- [Special Reports](#)
- [Search](#)
- [Archive](#)
- [Links](#)

Analysis: Ethnic Point Scoring

An assessment of current and likely convictions clearly shows that the tribunal has no ethnic bias.

By Mirko Klarin in The Hague (TU 225, June 11-16, 2001)

A third of the population of Serbia believe "only Serbs" are being tried at The Hague, while two-thirds consider the tribunal "unjust and unnecessary", according to the latest local opinion polls.

In Croatia, similar polls conducted some time ago yielded similar results. This is hardly surprising given that since its foundation in 1993, the authorities in both countries have programmed their respective citizens to dismiss the court, on the grounds that it discriminates against them. But claiming that it prosecutes more suspects belonging to one ethnic group than another misses the point of the tribunal.

The court's primary function is to individualise responsibility for war crimes and to thereby ensure guilt is not collective. Neither Serbs nor Croats are tried in The Hague, but individuals charged with murder, torture, rape, the destruction of property, persecution and plunder.

Emphasising the ethnic origin of the indicted only serves to collectivise responsibility. The authorities in Zagreb and Belgrade have been keen to do this because by doing so they seek to protect themselves from their own responsibility for war crimes.

No doubt those convinced of the "truth" that "only Serbs" or "only Croats" are tried at the ICTY will refuse to acknowledge this.

But an assessment of current and likely convictions clearly shows that the tribunal has no ethnic bias.

In the ten trials completed so far, it was proven beyond reasonable doubt that 19 individuals participated in war crimes and crimes against humanity.

To date, all those convicted have been sentenced - 11 Bosnian Croats, five Bosnian Serbs, two Bosniaks, and one who could be qualified as a "Yugoslav". The "Yugoslav" is Drazen Erdemovic, a Bosnian Croat, who at various times served in all four armies during the war - the Yugoslav Peoples Army, JNA, the Croatian Defence Force, HVO, the Army of Bosnia-Herzegovina, ABH, and the Army of Republika Srpska, VRS.

Erdemovic ended his military career on July 16, 1995, when as a member of a VRS sabotage unit, he took part in the execution of over 1,000 detained Muslim men at Branjevo farm outside Srebrenica.

So far, the Bosnian Croats have a "commanding lead" over their nearest rivals, the Bosnian Serbs, in the table of convictions (11:5) and sentences (182 and 120 years respectively).

The two convicted Bosniaks received a total of 35 years imprisonment. Erdemovic's confession, sincere regret and cooperation with the prosecution, earned him a lighter sentence of 10 years, reduced to five on appeal.

But clearly this tally of the ethnicity and punishment of those convicted will shift significantly this year when the on-going Srebrenica, Omarska and Keraterm camps and Foca prison trials end. Should the defendants in those trials be found guilty, then the Bosnian Serbs could top the prosecution and sentence table.

But even that will be only a running total as only a fifth of the envisaged trials will have been completed at The Hague this year. In 2001 and 2002 at least nine new trials involving 15 indictees (13 Bosnian Serbs and two Bosnian Croats) are due to start.

The defendants are either in detention at the UN prison or on provisional release until their trials get underway.

The number of accused in custody could significantly increase if Yugoslavia agrees to extradite a

Monday, June 25, 2000

In This Section

[Tribunal homepage Case](#)

[Files](#)

[Search](#)

[Subscribe](#)

Interviews

[Interview with IWPR senior editor in The Hague, Mirko Klarin.](#)



Tribunal in the News

[Petar Lukovic, Nova Srpska Prestoinica, on RFE/RL](#)



[Slavenka Drakulic, The Consensus of Lies / Konsenzus Lazli, on RFE/RL](#)

Past Updates

2001	Issues
May	218-222
Apr	215-217
Mar	211-214
Feb	207-210
Jan	204-206
2000	Issues
Dec	202-203
Nov	197-201
Oct	192-196
Sep	188-191
Aug	186-187
Jul	182-185
Jun	178-181
May	173-177
Apr	170-172
Mar	166-169
Feb	162-165
Jan	159-161
1999	Issues
Dec	154-158
Nov	150-153
Oct	146-149
Sep	142-145
Aug	137-141
Jul	132-136
Jun	128-131
May	124-127
Apr	119-123
Mar	115-118
Feb	111-114
Jan	107-110

[1998-1997-1996](#)

also see:

[IWPR Archive: Tribunal](#)

[In-depth reports, interviews and assessments on the regional impact of the War Crimes Tribunal in The Hague. Early reports on the Rwandan](#)

number of fugitives to The Hague. Such a move by Belgrade is anticipated "in preparation" for an international donor's conference scheduled to start on June 29.

There are currently 38 fugitives - 25 are named in public indictments and 13 in sealed indictments. Of the former, 15 are Bosnian Serbs, eight are Yugoslav citizens and two are Bosnian Croats.

The eight Yugoslav citizens include the so-called "Kosovo five", headed by former Yugoslav president Slobodan Milosevic, and three former Yugoslav Peoples Army officers known as the "Vukovar three".

The two Bosnian Croats are accused of crimes in the Lasva river valley in central Bosnia.

The ethnic make-up of the 13 fugitives on sealed indictments is unknown.

But it can be assumed that those included in the Srebrenica, Foca and Prijedor camps indictments are Bosnian Serb. Those in the Dubrovnik sealed indictment probably include Montenegrins, and there may be sealed indictments against Croats.

But even if you tally all these cases, you arrive at only a provisional figure for war crimes suspects.

At least 36 investigations into crimes committed since 1991 in Croatia, Bosnia and Kosovo are underway against at least 150 individuals from all ethnic groups - Serbs, Croats, Bosniaks, and Kosovo Albanians.

New investigations into crimes that have been or may be committed in Macedonia are not ruled out. The prosecutor has stated that she has the authority to prosecute those who commit crimes there, and warned both the Macedonian authorities and Albanian insurgents that Hague investigators are observing their conduct.

Only when the work of the tribunal is complete, all investigations finished and trials concluded, will a final assessment of the "ethnic balance" of those convicted by The Hague be possible. That is expected to take a further ten years.

By that time, some predict that at least 60 war crimes trials will have been completed. It is possible, even likely, that Serbs will dominate the table of ethnic origin of the convicts and years of imprisonment handed down.

But that will not be the result of an "anti-Serb bias" among Hague prosecutors and judges. It will be the inevitable result of Milosevic's crude "ratio of forces" political doctrine, according to which Serbs were right to do what they did because they were more numerous and better armed than any other participants in the war.

The flip side of this of course is that because they were more numerous and had more weapons, more of them were in a position to wreak havoc, and so more now find themselves subject to investigation by the tribunal.

In other words, Milosevic's "ratio of forces" in Croatia, Bosnia and Kosovo will in the end be reflected by an appropriate "ratio of forces" in The Hague.

Mirko Klarin is IWPR senior editor for the war crimes tribunal and editor-in-chief of SENSE News Agency.

War Crimes Tribunal in
Arusha also available.

Related Links

[Hague Tribunal](#)
[RealAudio Coverage](#)
[Rules of Procedure](#)
[Sense](#)
[ICC Coalition](#)
[HRW on ICC](#)
[Red Cross](#)
[Justice Watch](#)
[Crimes of War](#)
[ADI Revue](#)

Online Help

Guides to international law
and language:

[Legal Dictionary
of Terms](#)

[Dictionary of International
Law](#)

or use the



Support

[Swedish International
Development and
Cooperation Agency \(SIDA\)](#)

[Foreign and Commonwealth
Office \(UK\)](#)

[top of page ^](#)

Tribunal Update Mailing List:

Enter your e-mail address and click the required button.

E-mail address:

- ☐ Subscribe to Tribunal Update by e-mail.
☐ Unsubscribe from the service.
☐ About Tribunal Update.

[For the ICDSM petition to FREE MILOSEVIC, go to
<http://www.emperors-clothes.com/petition/petition.htm>

For comments by signers of the ICDSM petition worldwide, go to
<http://emperors-clothes.com/petition/states.htm>]

25-06-01

25-06-01

http

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Globalreflexion <office@globalreflexion.org>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: vrijdag 3 augustus 2001 14:39
Subject: Fw: - Ljudska prava - Re: US angry as Chile asks Kissinger about death

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

From: Ivo Skoric <ivo@reporters.net>
To: Andras Riedlmayer <riedlmay@FAS.HARVARD.EDU>
Sent: Friday, August 03, 2001 8:46 PM
Subject: - Ljudska prava - Re: US angry as Chile asks Kissinger about death

> Ah, but this is so extraordinarily amusing to see the U.S. reacting
 > the same way Serbia does, when it comes to probing its
 > 'sovereignty':
 > "The danger of the ICC is that, one day, US citizens might face
 > arrest abroad and prosecution as a result of such politically
 > motivated antics."
 > Doesn't this Administration official sound like a Milosevic lawyer?
 > Or are 'distinguished servants' of the US above international law?
 > I.e. are the humanitarian principles applicable only if they do not
 > conflict with the U.S. national interests?
 >
 > So, Kissinger can't travel to Europe and to South America any
 > more, for the risk of being brought to court. A very distinguished
 > servant, indeed.
 >
 > ivo
 >
 > Date sent: Wed, 1 Aug 2001 14:27:40 -0400
 > Send reply to: International Justice Watch Discussion List
 > <JUSTWATCH-L@LISTSERV.ACSU.BUFFALO.EDU>
 > From: Andras Riedlmayer <riedlmay@FAS.HARVARD.EDU>
 > Subject: US angry as Chile asks Kissinger about death
 > To: JUSTWATCH-L@LISTSERV.ACSU.BUFFALO.EDU
 >
 > (cross-posting of comments only permitted)
 >
 > "It is unjust and ridiculous that a distinguished servant of this country
 > should be harassed by foreign courts in this way," said a White House
 > spokesman. The spokesman was commenting on a Chilean court's temerity
 > in seeking to question Dr Henry Kissinger about what he knew concerning
 > the extra-judicial killing of a US citizen in Chile during the early days
 > of the Pinochet dictatorship.
 >
 > The distinguished civil servant was said to be "considerably irritated"
 > by the request. He might do well to recall a poem by Adelbert von Chamisso
 > taught in German schools in the days of his youth and again after the war.
 > <http://www.gutenberg.aol.de/chamisso/gedichte/sonne.htm>
 > Sooner or later, the light of day will reveal the truth about grave crimes
 > and about those who bear responsibility for them.
 >
 > Andras Riedlmayer
 > =====
 > The Daily Telegraph (London)
 > August 1, 2001
 >
 > US angry as Chile asks Kissinger about death
 >
 > By Toby Harnden in Washington
 >
 > Washington reacted furiously yesterday to a request by Chilean judges
 > for Henry Kissinger, the former secretary of state, to answer questions
 > about an American journalist killed during the 1973 coup in Chile.
 >
 > A Bush administration official condemned the Chilean supreme court
 > decision to send questions to Dr Kissinger, saying the move increased

case about the proposed International Criminal Court in The Hague.

- > administration source. "The danger of the ICC is that, one day,
- > US citizens might face arrest abroad and prosecution as a result of
- > such politically motivated antics."
- >
- > Dr Kissinger, 78, who was secretary of state from 1973 to 1977,
- > has acted as an informal adviser to President Bush and is still heavily
- > involved in American foreign policy issues.
- >
- > In its ruling, Chile's supreme court said a list of questions should
- > be sent to the US supreme court with regard to Dr Kissinger's knowledge
- > of the circumstances surrounding the death of Charles Horman, a journalist
- > arrested by troops loyal to General Augusto Pinochet. His body was
- > identified in a mortuary weeks later.
- >
- > The case was made famous by the 1982 film Missing. Mr Horman's
- > family believes that Dr Kissinger and US diplomats in Chile knew of
- > his detention, but did not press for his release.
- >
- > The Chilean order came less than two months after French detectives
- > delivered a court summons to Dr Kissinger, who was visiting Paris, asking
- > him to testify about the disappearance of French nationals in Chile.
- >
- > In another case, a judge in Argentina has ordered Dr Kissinger
- > to testify in a human-rights trial about a 1970s plan by South American
- > governments to kidnap and kill Left-wing critics.
- >
- > Mr Horman's widow, Joyce, filed a civil lawsuit against Dr Kissinger
- > in the 1970s, but it was dismissed due to lack of evidence. She has now
- > instigated legal action in Chile against Gen Pinochet and several other
- > army officers.
- >
- > Dr Kissinger's office declined to comment about the Chilean request,
- > but sources have said he is "considerably irritated" by it.
- >
- > When he was in Paris, he said he was too busy to speak to a
- > French judge and the US embassy said the information being sought
- > was confidential. A request for similar information was sent to the
- > State Department during the Clinton presidency, but did not receive
- > a response.
- >
- > Such requests have heightened US scepticism over world bodies that
- > may diminish national sovereignty.
- >
- > America has said it will not take part in a United Nations conference
- > on racism next month if the issue of reparations for slavery is on
- > the agenda. Both Washington and London have expressed concerns about
- > the conference adopting wording about slavery being a "crime against
- > humanity".
- >
- > Mr Clinton delayed supporting an ICC, which is strongly backed by
- > Britain. But in January, he signed the treaty setting it up, saying
- > America should shape it to try cases of genocide and war crimes.
- >
- > Republicans complained that the treaty was flawed beyond repair.
- > Marc Thiessen, a Senate foreign relations committee official now a
- > Pentagon speechwriter, said it should be "aggressively dealt with"
- > by the White House.
- >
- > "The president of the United States has endorsed a court that claims
- > illegal jurisdiction over the American people and that's not a situation
- > that can just sit out there," he said.
- >
- > The ICC will be formed after 60 nations ratify the treaty. So far,
- > 27 have done so.
- >
- > Associated Press
- > July 31, 2001
- >
- > Chilean court authorizes submitting questions to Kissinger about
- > slaying of U.S. filmmaker

> By EDUARDO GALLARDO, Associated Press Writer

> SANTIAGO, Chile, July 31 (AP) -- Chile's Supreme Court has authorized an investigating judge to submit questions to former U.S. Secretary of State Henry Kissinger about the assassination of an American filmmaker during Gen. Augusto Pinochet's rule.

> Judge Juan Guzman, who has sought unsuccessfully to try Pinochet on human rights charges, wants to question Kissinger as part of his probe into the death of Charles Horman, who was killed shortly after the dictator seized power. The court gave its approval Monday.

> The 17 questions will be relayed through diplomatic channels. Lawyers in the case said they were prompted by CIA and State Department documents declassified by the Clinton administration, and center on any knowledge U.S. officials may have had about the case.

> Pinochet came to power in the midst of the Cold War, and for years there has been speculation about possible CIA involvement in the tumultuous period leading up to the bloody overthrow of Marxist President Salvador Allende.

> Kissinger was President Nixon's assistant for national security from 1969 to 1973 and secretary of state from 1973 to 1977. Guzman also wants other Americans to testify in the case, including Nathaniel Davis, the ambassador to Chile at the time.

> Guzman was on medical leave and was not available for comment. He began investigating Horman's death after the filmmaker's widow, Joyce, filed a criminal lawsuit in Chile against Pinochet.

> According to an official report by the government that succeeded Pinochet in 1990, Horman was arrested Sept. 17, 1973, six days after the coup that toppled Allende.

> Horman was killed at Santiago's soccer stadium, which was used as a detention camp and where hundreds of people were tortured and executed, according to the same report. His death was the subject of the 1982 film "Missing," with Jack Lemmon and Sissy Spacek.

> Pinochet is charged with covering up political killings and kidnappings early in his rule, but his legal troubles effectively ended last month when a court ruled he cannot be tried on the human rights charges because of his deteriorating health and mental condition.

> On Tuesday, the Santiago Court of Appeals upheld that ruling, rejecting an appeal from prosecutors who said it was legally flawed, but agreed to allow a review by the Supreme Court - the last, remote chance that a trial will be held.

> ----- Yahoo! Groups Sponsor ----->

> Small business owners...

> Tell us what you think!

> <http://us.click.yahoo.com/vOIFAB/txzCAA/ySSFAA/TYOolB/TM>

> Za izlazak sa liste, posaljite prazno pismo na:

> ljudska_prava-unsubscribe@egroups.com

> Za upis novih clanova, prazno pismo sa emaila

> novog clana na adresu:

> ljudska_prava-subscribe@egroups.com

> Prezentacija je na adresi:

> http://www.egroups.com/group/ljudska_prava

> Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Hans Hupkes <HANS.Hupkes@Planet.NL>; Globalreflexion <office@globalreflexion.org>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>
Sent: donderdag 26 juli 2001 12:36
Subject: Fw: [www.antic.org] Nice letter of support published in The Washington Times/25 July 2001

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

From: Miroslav Antic
To: NATO ; BALKAN ; SNN ; 'YAHOO'
Cc: 'Sin' ; 'Sorabia' ; LJudska Prava ; 'KPJ' ; diplomat@yuemb.ca ; SIM-Egroups ; SIM
Sent: Thursday, July 26, 2001 5:08 PM
Subject: [www.antic.org] Nice letter of support published in The Washington Times/25 July 2001

The Washington Times

25 July 2001/PAGE A16

LETTERS

Who watches The Hague's watchmen?

Former Yugoslav President Slobodan Milosvic's reign may have been unsavory and unsuccessful, but I question whether he should be tried before the U.N. War Crimes Tribunal.

First, the tribunal is nothing if not political. A majority of the judges are from countries who were Mr. Milosovic's enemies during NATO's assault on Kosovo. The tribunal notoriously refused to indict former Croatian President Franjo Tudjman, whose war crimes were far worse than those of Mr. Milosovic but who was needed as a bulwark against him and was thus too useful to indict. and when Mr. Milosovic was indicted, the chief prosecutor who secured his indictment was promptly given her dream job -- the only seat on the Supreme Court of Canada open to an Ontario resident that was likely to be available during her professional lifetime.

Second, the tribunal has little of what we would term due process. There are no juries, merely judges who have asked to serve in The Hague and are thus predisposed to the prosecution. An acquittal may be reversed on appeal. There are no plea bargains, no mean consideration in cases in which the trial may not begin for a year or more after arrest. Hearsay evidence is permitted and prosecution witnesses may testify anonymously, depriving the defendant of the right of confrontation fundamental to our own system.

Rather than support such an unfair system, we should have left Mr. Milosovic to be prosecuted by his own people. That would have been far more just, especially considering that any conviction in The Hague will be subject to claims of "victor's justice."

GARY M. GREENBAUM
 Fairfax

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Herman de Tollenar
 <my636847@asianhistory.myweb.nl>; Jan Beentjes <beentjes@knoware.nl>; Dolf Loth
 <dolfloth@hotmail.com>
Sent: maandag 9 juli 2001 15:56
Subject: Fw: - Ljudska prava - ICTY Tough Question

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

From: Bob Petrovich <bojanp@home.com>
 To: ljudska_prava@cgroups.com <ljudska_prava@yahooogroups.com>
 Sent: Tuesday, July 03, 2001 3:35 PM
 Subject: - Ljudska prava - ICTY Tough Question

>
 >
 >
 > A TOUGH QUESTION
 >
 > By Bob Petrovich
 >
 >
 >
 > Q: Crimes against peace are not punishable under
 > ICTY Statute. Why?
 >
 > A: _____
 >
 >
 > Cheat sheet:
 >
 >
 > [1] NUREMBERG PRINCIPLE VI (a) Crimes against peace:
 >
 > The crimes hereinafter set out are punishable as crimes under;
 > international law:
 >
 > i. Planning, preparation, initiation or waging of a war of
 > aggression or a war in violation of international treaties,
 > agreements or assurances;
 >
 > ii. Participation in a common plan or conspiracy for the
 > accomplishment of any of the acts mentioned under (i).
 > <http://www.deoxy.org/wc/wc-nurem.htm>
 >
 >
 > [2] "INTERNATIONAL TREATIES, AGREEMENTS OR ASSURANCES":
 >
 > UN Charter, Art. 2 , Principles, 4.
 >
 > "All Members shall refrain in their international relations from
 > the threat or use of force against the territorial integrity or
 > political independence of any state, or in any other manner
 > inconsistent with the Purposes of the United Nations"
 > <http://www.un.org/aboutun/charter/>
 >
 > NATO Charter, Art. 5
 > The Parties agree that an armed attack against one or more of
 > them in Europe or North America shall be considered an attack
 > against them all and consequently they agree that, if such an
 > armed attack occurs, each of them, in exercise of the right of
 > individual or collective self-defence recognised by Article 51
 > of the Charter of the United Nations, will assist the Party or
 > Parties so attacked by taking forthwith, individually and in
 > concert with the other Parties, such action as it deems
 > necessary, including the use of armed force, to restore and
 > maintain the security of the North Atlantic area.

[3] ICTY FOR THE REST OF US:

www.grid.unep.ch/btt/missions/photos.html

> <http://www.transnational.org/features/impartialtribunal.html>

> http://www publica.cz/forum/forum_chandler.htm

> <http://jurist.law.pitt.edu.master.com/texis/master/search/?q=kosovo>

> <http://groups.yahoo.com/group/yugoslaviainfo/message/3097>

> <http://groups.yahoo.com/group/sorabia/message/13966>

- > the United States Ambassador, Warren Zimmerman flew to Sarajevo
- > and met with Iztetbegovic.

- > Upon finding that Zetebegovic was having second thoughts
- > about the agreement he had signed in Lisbon, the Ambassador
- > suggested that if he withdrew his signature, the United States
- > would grant recognition to Bosnia as an independent state.
- > Zetebegovic then withdrew his signature and renounced the
- > agreement."

> <http://www.deltax.net/bissett/western/bosnia.htm>

> Q: How you would qualify the activity of Mr. Zimmerman
> in relation to Nuremberg Principle VI a ?

 $\gamma_A:$

- > -----
- > An overview of often overlooked events.
- > To unsubscribe pls. click here <mailto:bojanp@home.com>
- > and put REMOVE in the subject line
- > -----
- >
- >
- >
- > Za izlazak sa liste, posaljite prazno pismo na:
- > ljudska_prava-unsubscribe@cgroups.com
- >
- > Za upis novih clanova, prazno pismo sa emaila
- > novog clana na adresu:
- > ljudska_prava-subscribe@cgroups.com
- >
- > Prezentacija je na adresi:
- > http://www.cgroups.com/group/ljudska_prava
- >
- > Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>
- >
- >
- >

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Ruza Despotovic <ruzad@ggzba.nl>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>; Richard van Houten <richardenbeba@wxs.nl>
Sent: donderdag 2 augustus 2001 13:12
Subject: Fw: - Ljudska prava - BOBA // To the Editor of the G&M

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

From: petar <petar@mail.cyberus.ca>
 To: <Recipient list suppressed>
 Sent: Thursday, August 02, 2001 5:18 PM
 Subject: - Ljudska prava - BOBA // To the Editor of the G&M

> Letter to the Editor of the Globe and Mail

>

> Sir,

> the article " We created a monster", by James Bissett (July 31, 2001 p. A13

>) is an excellent article. It goes in medias res , pointing to the real
 > perpetrator of wars in the former Yugoslavia, the NATO. It is sad that
 > Canada's pilots and the government have contributed a great deal to this
 > Balkan misery. It is not true that peoples of the Balkans have not been
 > able

> to manage their affairs peacefully. It was always the West (UK, Germany
 > and

> the USA most of the times) that did not act in good faith in the Balkans
 > and

> whose policy was divide et impera rather than the one they preach at home.

>

> Boba Borojevic

> 30 Walgate Ave, Nepean, ON

> Tel: 613/ 225- 2321

> =====

>

>

> THE GLOBE AND MAIL, Tuesday, July 31, 2001 p.

> A13 (Print

> Edition Only)

>

> We created a monster

>

> Albanian terrorists, armed by the West to

> fight

> in Kosovo,

> are destroying

> Macedonia, says Canada's former ambassador to

> Yugoslavia

> JAMES BISSETT

>

> When Canadian pilots joined in the NATO

> bombing of

> Yugoslavia in March 1999,

> we were told by Lloyd Axworthy and Art

> Eggleton

> that the

> intervention in

> Kosovo was necessary to prevent the violence

> there from

> spreading and

> de-stabilizing the Balkans. Yet we now know

> that

> long before

> the bombing it

> was NATO countries themselves that were

> inciting

> violence in

> Kosovo and

attempting to de-stabilize that Serbian
 province. Moreover
 > despite the
 > bombing the violence has spread -in Kosovo
 > itself, in
 > southern Serbia, and
 > more recently in Macedonia.
 >
 > Media reports have revealed that as early as
 > 1998, the
 > central intelligence
 > agency assisted by the British Special Armed
 > Services were
 > arming and
 > training Kosovo Liberation Army members in
 > Albania to foment
 > armed rebellion
 > in Kosovo. The KLA terrorists were sent back
 > into Kosovo to
 > assassinate
 > Serbian mayors, ambush Serbian policemen and
 > do
 > everything
 > possible to
 > incite murder and chaos. The hope was that
 > with
 > Kosovo in
 > flames NATO could
 > intervene and in so doing, not only overthrow
 > Slobodan
 > Milosevic the Serbian
 > strong man, but more importantly, provide the
 > aging and
 > increasingly
 > irrelevant military organization with a reason
 > for its
 > continued existence.
 >
 > After bombing Yugoslavia into submission, NATO
 > then stood by
 > and
 > submissively allowed the KLA to murder,
 > pillage
 > and burn.
 > The KLA was given
 > a free hand to do as they wished. Almost all
 > of the
 > non-Albanian population
 > was ethnically cleansed from Kosovo under the
 > watchful eyes
 > of 40,000 NATO
 > troops. Moreover, in defiance of United
 > Nations
 > resolution
 > 1244 which
 > brought an end to the fighting, NATO adamantly
 > refused to
 > disarm the KLA
 > fighters. Instead, NATO converted this ragtag
 > band of
 > terrorists into the
 > Kosovo Protection Force- allegedly to maintain
 > peace and
 > order in Kosovo.
 >
 > To add insult to injury NATO appointed an
 > alleged war
 > criminal, Agim Ceku,
 > as commander of this force. Agim Ceku is an
 > Albanian Kosovar
 > who led the
 > Croatian army in "operation storm" which

ethnically cleansed
all of the
> Serbian population from their ancestral lands
in
> Croatia.
> Some news reports
> have suggested that there is a scaled
indictment
> against
> Ceku held by the
> war crimes tribunal in the Hague but not acted
> upon because
> to do so would
> embarrass his NATO bosses. On June 10 of this
> year the London
> Times reported
> that in early March, Agim Ceku ordered 800 KLA
> reservists
> from Kosovo to
> enter Macedonia to help their fellow Albanians
> in their
> rebellion against
> the government there.
>
> Few Albanian nationalists in the Balkans had
> forgotten that
> under the
> fascist and Nazi regimes of the 1940's,
Albania
> was given
> control of Kosovo,
> parts of Macedonia and northern Greece. Those
> latent dreams
> of Greater
> Albania have been given new life by NATO's
policy of
> encouraging and
> actively supporting the Albanians of Kosovo to
> use violence
> and force to
> achieve their political goals. It appears our
> NATO leaders
> did not realize
> [or did not care] that by supporting Albanian
> extremists the
> scourge of
> Albanian racism would be unleashed in the
> Balkans. Now in
> Macedonia the
> broader consequences of NATO's ill-considered
> intervention
> in that troubled
> region of Europe is becoming more evident.
>
> The KLA learned early in the Yugoslavian
> campaign that NATO
> countries are
> unwilling to risk the lives of their soldiers
to
> resolve
> Balkan problems. It
> is one thing to bomb targets in Yugoslavia
from
> 15,000 feet
> with little or
> no risk to its pilots. It is quite another
thing
> to become
> involved in armed
> conflict on the ground against a well-armed
and
> determined

enemy.
 > went into to Confirmation of this was evident when the KLA
 > southern Serbia.
 > NATO was not prepared to intervene militarily
 to
 > halt that
 > aggression. It
 > was only when NATO was able to strike a deal
 > with the new
 > democratic powers
 > in Serbia to have Serbian troops restore order
 > in that
 > region that the KLA
 > were stopped.
 >
 > Thwarted, at least temporarily, in southern
 > Serbia, the KLA
 > then turned its
 > attention to Macedonia and in March started a
 > new military
 > campaign in that
 > country. Their tactics were the same as those
 used
 > successfully in Kosovo,
 > i.e. assassination, ambush, and intimidation
 of
 > the local
 > population. Again
 > as in Kosovo the KLA is armed and equipped by
 > western
 > powers. The Macedonian
 > authorities in order to put down the armed
 > rebellion have
 > used the same
 > tactics as employed by the Serbian forces in
 Kosovo;
 > shelling of villages
 > occupied by KLA fighters with consequent
 > civilian casualties
 > and refugees.
 >
 > Unlike Kosovo, however, NATO authorities are
 > unable to react
 > to the
 > Macedonian crisis as they did two years
 earlier
 > in Kosovo
 > because obviously
 > bombing Macedonia is not the answer. Macedonia
 > is not headed
 > by a Slobodan
 > Milosevic and its record of dealing with its
 > Albanian
 > minority is, by Balkan
 > standards, exemplary. The issue is further
 > complicated by
 > the reality that
 > the KLA is NATO's own creature and continues
 to
 > be looked
 > upon favorably by
 > its previous masters. There seems little doubt
 > that NATO
 > intends to ensure
 > that Kosovo remains under KLA control.
 >
 > Even more alarming is the fact that the KLA
 and
 > its brethren
 > in Macedonia
 > continue to receive assistance and military

> ap
 > from NATO
 > countries. Last
 > month when Macedonian forces were closing in
 > on
 > KLA rebels
 > near the town of
 > Aracinovo, NATO intervened and helped evacuate
 > the KLA
 > fighters. According
 > to German media reports the intervention was
 > ordered because
 > among the KLA
 > forces were 17 American advisors from an
 > American private
 > mercenary
 > organization that has been actively engaged in
 > the Balkans
 > during the
 > Yugoslav wars. It would not do to have had a
 > number of
 > former us military
 > personnel captured along with KLA terrorists.
 >
 > Although embarrassed by the actions of the KLA
 > in Macedonia
 > NATO has shown
 > no inclination to bring a stop to this naked
 > aggression
 > against a democratic
 > and peaceful nation. To do so would result in
 > armed clashes
 > with the KLA
 > with consequent loss of NATO lives. It would
 > also underline
 > the bankruptcy
 > of NATO's policy in the Balkans. This is not
 > something that
 > Lord Robertson
 > or our NATO political leaders wish to have
 > highlighted.
 >
 > Unwilling to confront the KLA the response so
 > far from NATO
 > has been to
 > bring diplomatic pressure on the government of
 > Macedonia
 > forcing it to yield
 > to Albanian demands. The secretary general of
 > NATO, Lord
 > Robertson and the
 > European Union's foreign minister, Javier
 > Solana
 > have
 > arrived in Skopje to
 > press home NATO's insistence that Macedonia's
 > sovereignty
 > must be
 > compromised. In the meantime KLA rebels are
 > reinforcing
 > their forces who
 > have occupied most of western and northern
 > Macedonia. So
 > much for NATO's
 > dedication to democratic ideals, the rule of
 > law
 > and the
 > peaceful resolution
 > of international disputes.
 >
 >
 > James Bissett is a former Canadian ambassador

> Yugoslavia.

> letters@globeandmail.ca

> ----- Yahoo! Groups Sponsor ----->

> Small business owners...

> Tell us what you think!

> <http://us.click.yahoo.com/vO1FAB/txzCAA/ySSFAA/TYOoIB/TM>

> Za izlazak sa liste, posaljite prazno pismo na:

> ljudska_prava-unsubscribe@egroups.com

> Za upis novih clanova, prazno pismo sa emaila

> novog clana na adresu:

> ljudska_prava-subscribe@egroups.com

> Prezentacija je na adresi:

> http://www.egroups.com/group/ljudska_prava

> Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

van hoist en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Hans Hupkes <HANS.Hupkes@Planet.NL>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>
Sent: donderdag 2 augustus 2001 12:58
Subject: Fw: STAN GOFF: WAR CRIMES AND THE HAGUE TRIBUNAL

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

From: Miroslav Antic
To: NATO ; Sorabia ; News ; BALKAN ; SNN ; 'YAHOO'
Cc: 'Sin' ; Ljudska Prava ; ZVUK ; Skwl ; 'KPJ'
Sent: Thursday, August 02, 2001 1:59 AM
Subject: STAN GOFF: WAR CRIMES AND THE HAGUE TRIBUNAL

STAN GOFF: WAR CRIMES AND THE HAGUE TRIBUNAL

What do you call someone who pays officials to break the law, threatens people with violence if they don't do what he demands, spreads outrageous lies to impugn people's reputations, and participates in a plot to illegally take an unwilling person out of the country in captivity? Guilty of bribery, extortion, slander and kidnapping.

What do you call a government which does precisely those things? The United States in Yugoslavia.

Let's get something straight here. The International Tribunal at the Hague is no more an impartial judiciary than Geraldo Rivera is a neurosurgeon, and Slobodan Milosevic is no war criminal. These are just simply facts, and the thing that—even at 50—still amazes my ass is the sheep-like, gullible, we-just-fell-off-the-turnip-truck acceptance of the capitalist media's horse-manure by comfortable fellow Americans.

United States military troops are occupying the Balkans, many of them with relatives who might read this, and very few people seem the least bit inclined to find out what's really going on there. So they listen to CNN, read the 'New York Times' or the 'News and Observer,' watch PBS, or listen to NPR, brought to you by... name your favorite agribusiness or weapons contractor... and believe them.

I've got a news flash for you, folks. The media lie. They lie early and often, and they keep on telling the same lies over and over, apparently in the well-founded hope that we will simply and finally equate repetition with accuracy.

Slobodan Milosevic is no war criminal. Nor was he a dictator. Until the US started a massive campaign of extortion, bribery and election-rigging in Serbia, he won his elections fair and square—unlike the current de facto President of the United States. Nor did Milosevic ever lead the non-existent movement for Greater Serbia. Nor do Serbs collectively "share" any blame for whatever flavor-of-the-day atrocity is being invented by the IMF, the State Department, NATO Headquarters in Brussels, or that fake Tribunal.

Serbs are as fractious and pluralistic as any group, especially about politics, deeply split even today between nationalists and socialists. What they are not, contrary to the recent resurgence of Serb-bashing, is self-pitying and paranoid. They are one of the most stoic, and tolerant, people in Europe. The distortions that underwrite this latest violation of Yugoslav and International law—the veritable kidnapping of a former head of state—would make Joseph Goebbels blush. Crimes were invented to fit the punishment of the Serbs. Allegations were reported as facts, then referenced later as if they really were facts.

The mounting evidence of a giant hoax in almost every case has been completely ignored by capitalist media. The effect—intended I think—is to create an impression so overwhelming of Serbian guilt that to question it is to be regarded as a miscreant holocaust denier. Guilt by analogy. Milosevic equals Hitler, therefore defending Serbians equals defending Nazis (a huge irony here, since Serbs were tenacious and fearless fighters against the Third Reich). There's only one little rub. **The Holocaust has been well documented by the physical evidence. The Serbians' guilt, and that of Milosevic, has not.**

But skepticism, fact-checking, and logic have become forbidden foreign languages in the United States, especially our (laugh track here) "free" press. The overwhelming evidence is that there was never any coordinated campaign of genocide or ethnic cleansing by Serbs, no massacres at either Racek or Srebrenica, and never any such thing as Serbian "rape camps." The Kosovo violence was initiated by Albanian heroin-gangsters, who named themselves the Kosovo Liberation Army once they started to get weapons and training from German and US Intelligence. The mass exodus out of Kosovo was not triggered by Serb violence, but by NATO bombing. The reports of 100,000 Kosovar Albanians killed has yet to be corroborated with bodies, and is being quietly scaled ever downward as the bodies fail to appear.

Racek was shown to be staged. The bodies from the Srebrenica "massacre" were never located either, and in fact many of the "missing" later turned up alive and accounted for in Bosnian Muslim combat units outside Srebrenica. The US and the pseudo-Tribunal have an answer for the missing evidence, those tens

of thousands of corpses, that is. Right under the noses of US surveillance satellites—and I have seen imagery from them that can spot a motorcycle and rider—the crafty Serbs, undetected, moved thousands of decomposing bodies to other locations... still to be discovered.

Right! The break-up of Yugoslavia has been largely due to the efforts of US and German gambits, with substantial help from the International Monetary Fund, since the late 1980's. To justify this economic warfare, this trampling of sovereignty, this military aggression, these massive violations by NATO and the US of the Law of Land Warfare and the Geneva and Hague Conventions, and the military occupation of the Balkans, our government and its international financier pals have had to concoct an elaborate Manichean fantasy with Serbs as the heavy.

Don't take my word for it, but don't look for a one-paragraph rebuttal either. Understanding requires study and work. If you're inclined to swim upstream in this perennial flood of stubborn American ignorance, read the research and reports from Michel Chussodovsky, Diane Johnstone, and Jared Israel - none of them Serbian or Yugoslav, and all of them proud progressives. They are archived at www.emperors-clothes.com. An apt name for that web site, if ever there was one.

The Hague Tribunal is about war crimes, all right. It's about covering up the war crimes of the North American Treaty Organization and the US Government.

Stan Goff
 U.S.Army Special Forces, Retired

<http://english.pravda.ru/main/2001/08/01/11492.html>

11-11-99

One could argue that del Ponte's findings are inherently suspect, that for her "War Crimes" Tribunal to investigate Serbian actions in Kosovo is manifestly absurd. After all, justice is supposed to be disinterested. But it is no secret that the Tribunal is a creation of the US government: Madeline Albright proposed it, its funding comes directly and indirectly from the US.

The US government is hardly a disinterested party in Kosovo. It was the main force behind a bombing campaign which violated a slew of international agreements (including the UN and NATO charters). The campaign provided textbook examples of war crimes: for instance, launching an aggressive war is internationally accepted as the biggest war crime. Bombing civilian targets is a close second.

The US government publicly defended these actions by claiming they were necessary to stop a Serbian campaign of genocide. Now, when there is so much evidence of terrible damage to Yugoslavia, Clinton et al desperately need to produce counter-evidence of Serbian genocide or risk a backlash in the European countries - and perhaps in the US itself.

So having the (US) "War Crimes" Tribunal hunt for evidence of Serbian guilt - well, the only reason that this is politically possible is that NATO citizens have been barraged with anti-Serbian propaganda till it's hard to think straight. Absent that propaganda and this investigation would be seen as a sick joke.

An openly biased "court"

The actual functioning of the Tribunal violates every accepted rule governing legal proceedings. For instance, courts are not supposed to try defendants in the mass media. They are supposed to proceed with a presumption of innocence. Investigations are supposed to be conducted impartially - to discover guilt, not to provide evidence for a vendetta. But Tribunal leaders routinely declare the Serbs guilty and then proceed to hunt for evidence. During "investigations" every opportunity is taken for photo ops and sensationalist statements.

In addition, one could point out that the violently anti-Serb Kosovo Liberation Army (KLA) has been "helping" the investigators, providing "witnesses," (moving bodies?) and so on.

The actual functioning of the Tribunal violates every accepted rule governing legal proceedings. For instance, courts are not supposed to try defendants in the mass media. They are supposed to proceed with a presumption of innocence. Investigations are supposed to be conducted impartially - to discover guilt, not to provide evidence for a vendetta. But Tribunal leaders routinely declare the Serbs guilty and then proceed to hunt for evidence. During "investigations" every opportunity is taken for photo ops and sensationalist statements.

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>; <speerpunt@wxs.nl>
Sent: maandag 9 juli 2001 16:03
Subject: Fw: - Ljudska prava - Guadian: War crimes hunt turns heat on Croatia's ally, by Peter Beaumont and Ed Vulliamy

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

From: petar <petar@mail.cyberus.ca>
To: <Recipient list suppressed>
Sent: Monday, July 09, 2001 2:49 PM
Subject: - Ljudska prava - Guadian: War crimes hunt turns heat on Croatia's ally, by Peter Beaumont and Ed Vulliamy

What are the chances to see MPRI / US generals explaining the World what they did to the Serbs in Krajina and Bosnia? Boba

Guns secret set to haunt US
 War crimes hunt turns heat on Croatia's ally

Peter Beaumont and Ed Vulliamy
 Observer

Sunday July 8, 2001

The Croatian government met in emergency session yesterday to decide how to respond to sealed indictments issued by the international war crimes tribunal this weekend against two former generals accused of murdering Serb civilians, threatening a new political crisis in a country still struggling to recover from war.

The indictments of the generals - for the massacres of hundreds of Serb civilians between 1993 and 1995 - is also threatening to lift the lid on one of the murkiest episodes of the Balkan wars: the secret arming of the Croats by the United States.

While neither Carla Del Ponte, the chief prosecutor of the Hague tribunal nor Croat Prime Minister Ivica Racan has disclosed the names of those charged, the likely suspects are Ante Gotovina, a commander during the 1995 offensive, and Rahim Ademi, who is of Kosovo Albanian origin. Both men have now retired.

Ademi is likely to be charged with responsibility for the killings of dozens of Serbs during a 1993 offensive in central Croatia against the Serb rebels.

While the crimes allegedly committed by Ademi predate the period of US military assistance, those allegedly committed by Gotovina fall squarely into it. They came during a time of stunning military successes for the Croats on the battlefields of the Serb occupied Krajina and eastern Slavonia, in which US personnel were heavily implicated. The history of US assistance to the nationalist regime of former President Franjo Tudjman dated back to March 1994 when the Croatian Defence Minister, Jozo Susak, approached the Pentagon to ask for help with military training.

While the Pentagon turned down the request it directed the Croats to a Virginia-based military consultancy firm, Military Professional Resource Inc (MPRI), staffed by former generals whose main client was the US army. A contract licensed by the Pentagon was signed with the Croatian army.

While MPRI denied that its advisers were involved on the ground during the Croatian offensives, UN officials in the Balkans at the time refused to believe it.

At the same time that US advisers were training Croat soldiers for Operation Storm - the drive to retake Krajina - in how to conduct large-scale operations, both the American Defense Intelligence Service and the CIA were building up their strength at the US embassy in Zagreb. Part of that operation, said sources at the time, was to provide the intelligence for the Croat assaults.

In 1995 The Observer reported claims by United Nations officials that American intelligence and forces were deeply involved in Bosnia and Croatia, and that the US breached the UN arms embargo with flights carrying arms to both the Bosnian and Croat forces.

The new indictments have come as the war crimes tribunal has accelerated its efforts to bring to justice all those it believes responsible for directing atrocities in the wars of the former Yugoslavia.

Last week Bosnian Serb Prime Minister Mladen Ivanic led a delegation to The Hague saying his government, which has hitherto refused all co-operation with the tribunal, was 'ready to extradite' the former Bosnian Serb leader Radovan Karadzic and General Ratko Mladic, now the Hague's most wanted fugitives. Ivanic was given short shrift from Del Ponte, who promptly lambasted the Bosnian Serbs, saying: 'At any given time, the authorities of the Bosnian Serb Republic know, or are in a position to know, the whereabouts of our most wanted fugitives.'

She added: 'It is a well-known fact that at any time, Ratko Mladic has been enjoying the protection of the Bosnian Serb military.'

The potential for embarrassment from the UN war crimes process is not limited to Del Ponte's accusations against the Bosnian Serbs, it also threatens to lay bare the conduct of the international community during a decade of Balkan crises.

Already Slobodan Milosevic has threatened to embarrass at his trial international negotiators he says 'rehabilitated him' in secret deals. And the hunt for Karadzic is threatening to expose French complicity in his evasion of arrest.

The pressure to deliver him falls not only on the Bosnian Serbs but on the French peacekeepers in whose zone he has moved freely for six years since the war's end. Indeed a last-minute French tip-off to Karadzic is alleged to have stymied an attempt by the British SAS to grab him in 1997.

The tribunal regards the capture of Karadzic and Mladic as crucial to the cases it is building, with some officials concerned that a trial of Karadzic and Mladic should precede that of Milosevic.

Karadzic is regarded as the crucial bridge connecting the captive Milosevic to three and a half years of bloodshed in Bosnia.

Guardian Unlimited © Guardian Newspapers Limited 2001

Za izlazak sa liste, posaljite prazno pismo na:
ljudska_prava-unsubscribe@egroups.com

Za upis novih članova, prazno pismo sa emaila
novog člana na adresu:
ljudska_prava-subscribe@egroups.com

Prezentacija je na adresi:
http://www.egroups.com/group/ljudska_prava

Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

De l'Etat en SC en ICTY enjoy immunity. ^{Komorowski}
↓
de facto de jure SC-leader de l'entente
le antichambre, dans le silence

~~ICTY~~

Plus une seule dispute les vestiges en se reconstituent
en entier.

Blasphème - case: de SC en ad orga, suspension en suite

Portes sans no exportation de l'Etat. Mais de
l'entente en ICTY plans de Procureur base de
les l'entente. Ad le orga en l'Etat

HTTP://empire - clothes.com/articles/Johnston/June.H.T.P.

van holst en steijnen

From: TARGETS <redactie@targets.org>
To: <office@globalreflexion.org>
Sent: dinsdag 3 juli 2001 00:13
Subject: NATO's Tribunal: Straight From the Horse's Mouth

NATO's Tribunal: Straight From the Horse's Mouth
 by Jared Israel [30 June 2001]

Want to know more about the Hague Tribunal on Yugoslavia? Is it the harbinger of an age where humanitarian justice triumphs over nations? Or is it the hitman of Imperial policy?

Below is a list of articles on the Tribunal with brief descriptions. The writers include Dr. Hans Kocchler, a most respected analyst, associated with the United Nations.

You may skip right to this list. Or first consider the following direct evidence. It is straight from the horse's mouth.

"It's Ours!"

Did you think the Tribunal was free to indict anyone without respect to rank or nationality?

Exhibit A: Interview with Jamie Shea, NATO spokesman, during the aggression against Yugoslavia.

"QUESTION: Jamie, I wonder if you could comment on a speech made by Justice Arbour of the International Criminal Tribunal last week, a copy of which I left with your very fine secretary so that you would have reference to it. Judge Arbour in her speech said that as a result of the NATO initiatives being initiated on 24 March the countries of NATO have "voluntarily submitted themselves to the jurisdiction of her court whose mandate applies to the theatre of the chosen military operation and whose reach is unqualified by nationality and whose investigations are triggered at the sole discretion of the prosecutor who has primacy over national courts." Does NATO recognise Judge Arbour's jurisdiction over their activities?

"JAMIE SHEA: First of all, my understanding of the UN resolution that established the Court is that it applies to the former Yugoslavia, it is for war crimes committed on the territory of the former Yugoslavia.

"Secondly, I think we have to distinguish between the theoretical and the practical. I believe that when Justice Arbour starts her investigation, she will because we will allow her to. It's not Milosevic that has allowed Justice Arbour her visa to go to Kosovo to carry out her investigations. If her court, as we want, is to be allowed access, it will be because of NATO so NATO is the friend of the Tribunal, NATO are the people who have been detaining indicted war criminals for the Tribunal in Bosnia. We have done it, 14 arrests so far by SFOR, and we will continue to do it.

"NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don't anticipate any others at this stage."
 [Our Emphasis, May 17, 1999 Transcript of NATO press conference by Jamie Shea & Major General W. Jertz in Brussels Transcribed by M2 PRESSWIRE (c) 1999]

Washington Created It; NATO Makes It Possible

Did you think critics were indulging in hyperbole when they said Madeline Albright was "Mother of the Tribunal"?

EXHIBIT B: Excerpts from speech by Gabrielle Kirk McDonald, President of

Hague Tribunal, at her award ceremony at the American Supreme Court on April 5, 1999.

"I am also pleased to be here tonight as a guest of the Coalition for International Justice, which was founded in 1995 with assistance from CEELI and the Open Society Institute. The Coalition has been a great source of support to the Tribunal. CIJ jumped in early and has stayed involved ever since. From running a workshop to assist the defense counsel in the very first trial, through seminars for the judges...

"Without the co-operation of the states and entities in the former Yugoslavia and the international community as a whole, the Tribunal had no way of bringing even a single accused to trial.

"Nevertheless, we persevered and did what we could to build the institution. We benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations, she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the "mother of the Tribunal". And I am proud of what we have accomplished. After those first years of struggling to simply establish the court, we have now really gotten on with the substance of our mandate."

(From <http://www.pict-icti.org/news/archive/April/ICTY.04.05.html>)

Emperor's Clothes Note: The Open Society Institute, which Ms. McDonald found so helpful, is George Soros' outfit. Soros acts as a kind of high-profit wing of the CIA. On the one hand, he is a ruthless currency-pirate (that is polite), implicated in savaging the Thai economy, which launched the great Asian crash. On the other hand, his foundation sets up and funds front groups throughout the former Socialist countries and elsewhere as beachheads for U.S. penetration.

In his testimony at the July, 1999 hearing on overthrowing democracy in Yugoslavia, Special Yugoslav Envoy Gelbard spoke of the Open Society Foundation as a great help in carrying out Imperial penetration. CELLI appears to be part of a group of governmental and semi-governmental organizations which work together to develop Fifth Column organizations in countries targeted by the U.S. Empire. One of the main coordinators of this apparatus is a CIA-spinoff, the National Endowment for Democracy, about which see 'US Arrogance And Yugoslav Elections' at <http://emperors-clothes.com/engl.htm#z> and 'Eviscerating Democracy' at <http://emperors-clothes.com/articles/szamuely/neda2.htm>

Washington Finances II

Did you think this "United Nations" War Crimes Tribunal was funded by the United Nations?

Exhibit C: The Tribunal Thanks Washington for Donating the Money to Do Washington's Propaganda Work

"Press Release · Communiqué de presse
(Exclusively for the use of the media. Not an official document)
The Hague, 19 April 1999
JL/PIU/397-E

"THE UNITED STATES PLEDGE USD 500,000 TO

"TRIBUNAL'S OUTREACH PROJECT

"PRESIDENT McDONALD GRATEFUL FOR GENEROUS CONTRIBUTION

"On behalf of the International Criminal Tribunal for the former Yugoslavia, the President of the Tribunal, Judge Gabrielle Kirk McDonald, has expressed her deep appreciation to the U.S. Government for its pledge of USD 500,000 for the Tribunal's Outreach project. Harold Koh, the US Assistant Secretary of State for Democracy, Human Rights and Labour, announced the donation at a press briefing at the Tribunal on Friday 16 April 1999.

"This generous contribution, which makes up over a third of the total Outreach budget, will, as Assistant Secretary of State Harold Koh noted

...now the Tribunal to carry its message of impartial justice not only to governments and legal practitioners in the former Yugoslavia, but, most of all, to the families of victims.'

"The President urges other countries and organisations to support this vital project, which is aimed at bridging the communications gap between the Tribunal and the people of the former Yugoslavia and helping in the international community's overall reconciliation effort." (Emphasis added. From the official ICTY website <http://www.un.org/icty/basic.htm>)

Some Useful Articles on the International Criminal Tribunal for the Former Yugoslavia

* In 'Illegal Tribunal - Illegal Indictment' Dr. Hans Koechler, the distinguished philosopher and social-legal analyst associated with the United Nations examines the Tribunal and does not like what he finds. Can be read at <http://emperors-clothes.com/docs/prog2.htm>

* In 'An Impartial Tribunal? Really?', Attorney Chris Black examines the Tribunal's history and methods of operations. Can be read at <http://emperors-clothes.com/analysis/Impartial.htm>

* Dr. Kosta Cavoski, a distinguished Yugoslav legal scholar, has written a mind-boggling four-part series.

In 'The War Crimes Tribunal vs. Gen. Djordje Djukic' at <http://emperors-clothes.com/articles/cavoski/c-1.htm> and 'The Mistreatment of Col. Aleksa Krsmanovic' at <http://emperors-clothes.com/articles/cavoski/c-2.htm> Professor Cavoski deals with the torture and physical destruction of Serbian 'defendants'.

In 'Illegal Origins' at <http://emperors-clothes.com/articles/cavoski/c-3.htm> Professor Cavoski analyzes the Tribunal's legal rationale, or lack of same.

In 'Learning from the Inquisition' at <http://emperors-clothes.com/articles/cavoski/c-4.htm> Professor Cavoski describes the practices of the Tribunal, which thoroughly violate what we would consider natural legal guarantees.

The URL for this article is <http://emperors-clothes.com/docs/h-list.htm>
Send this article to a friend!

www.tenc.net
Emperor's Clothes

TARGETS - Independent monthly paper on international affairs
Sloterkade 20
1058 HE Amsterdam
The Netherlands
Ph. ++ 31 20 615 1122
Fax: ++ 31 20 615 1120

BETROUWBAARHEID
GETUIGEN
Jugoslavie -
TRIBUNAL
—

Rust, daar snakt het hele dorp naar

Onderzoek sekskelders

Esther Hageman

EMMERCOMPASCUUM – Het gezicht van Jan Arends (35) staat op somber – maar hij is juist blij, zegt hij. Dat dat onderzoek naar die sekskelders onder openbare basisschool De Dreef er nu eindelijk toch komt, lucht hem op. Nog even, en iedereen in het dorp kan van een geweldige spanning verlost zijn.

Zowel de vier ouderparen die de volle twee jaar zijn blijven doorvechten, als de vier stellen die na de rechtszaak zeiden: 'nu is het genoeg', hebben nu een kans op rust. En dat geldt ook voor de andere 2284 inwoners van het veendorp, want die willen al twee jaar dat het ophoudt met die onzinverhalen.

Wat nou, sekskelders onder de school. Wat nou, eerdere leerkrachten in de rol van kinderlokker. „Het dorp had liefst gehad dat we onder een auto waren gekomen”, zegt Arends. „Ze kunnen hier ons bloed wel drinken. We maken de gemeenschap kapot, vinden ze.”

Jan Arends en zijn vrouw Sla-

djana Zekic zijn een van de vier stellen die afhaakten. Nee, niet omdat ze zijn gaan twifelen. Maar omdat ze het bij de rechter niet voor elkaar kregen dat er een onderzoek kwam naar kelders onder de school. Dan maar geen gelijk, maar in elk geval wel rust.

Alle twaalf kinderen die de acht stellen samen hebben – in leeftijd varieerden ze twee jaar geleden van 'bijna vijf' tot elf jaar – hadden een verhaal over seksueel misbruik waarin de veronderstelde kelders onder de school een belangrijke rol speelden. Zo ook Dennis, de zoon van Jan en Sladjana.

De eerste weken in augustus 1997 ging die zingend naar school. Maar opeens was dat over. Wilde de Dennis nog naar school krijgen, dan moest je bijna geweld gebruiken. En er waren meer kinderen die ineens zo'n enorme weerstand hadden. Ze poepten opeens ook zo vaak in hun broek. Toen uitkwam dat oudere jongens in het dorp kleinere kinderen misbruikten door stokjes in hun anus te steken, en toen dat leidde tot een officiële aangifte, begon Dennis te praten.

Werden de juffen en de meesters dan nu ook gepakt, vroeg hij. Want, vertelde Dennis, hij had ook wel eens, in een kelder, het was onder de school, iets meegeemaakt. Daar waren meesters en juffen bij. Zijn eigen juf deed niets hoor, maar ze wist er wel van. „Je zakt op zo'n moment door de grond”, zegt Arends, „je wereld stort in. Dennis was nog te klein om het precies te kunnen vertellen: hoe vaak dat ge-

'Justitie heeft zich die brand zelf op de hals gehaald'

beurd was, of wie er precies wat had gedaan. Maar dat verhaal bleef maar terugkomen. En het veranderde ook nooit: kelders, juffen en meesters.”

De Arends' deden aangifte. Dennis moest naar een andere school in 't dorp, de christelijke.

Er is één groot probleem aan het verhaal van Dennis en de andere elf kinderen: er zijn geen kelders onder de school. Tenminste, daar lijkt het op.

Herfst 1997 seponeerde Justitie de zaak om die reden: volgens de officier van justitie was er geen sprake geweest van seksueel misbruik, en waren er geen kelders onder het gebouw. Eind november mochten de ouders zelf gaan kijken. Maar die zoektocht bevredigde de ouders niet: waarom mocht die ene deur niet open? En was dat luik waarover de kinderen het hadden niet intussen dichtgestort? Want had er in september niet een hele dag een betonwagen voor de school gestaan?

Arends: „Het is allemaal nooit goed uitgezocht. De politie heeft alleen geïnformeerd of er bij de gemeente een betonwagen is besteld, niet of er een is geweest. Degene die kan getuigen dat er een betonwagen heeft gestaan, is nooit gehoord.”

Met de politieblikken uit de zaak-Dutroux in het achterhoofd – de Belgische politie zag een verborgen deur in een van Dutroux' panden over het hoofd – lijkt het niet zo vreemd dat de ouders in Emmercompascuum het naadje van de kous willen weten en vorig jaar voor de rechter stonden. Ze kregen nul op het rekest.

Pas nu afgelopen weekeinde het huis van een van de acht in brand werd gestoken, is Justitie alsnog bereid om TNO te laten komen. Arends: „Justitie heeft zich die brand zelf op de hals gehaald. Als ze destijds hadden geluisterd en een echt onderzoek hadden ingesteld, was het nooit zo ver gekomen.” Hijzelf is nuchter onder die brand, maar zijn vrouw is doodsbang. Ze liggen er in het dorp helemaal uit. Niemand groet de dwarsliggers meer en in winkels wordt het stil als ze binnenkomen. Maar dat dwarsliggerij tot brandstichting leidt, is even slikken.

Arends: „Je kunt dat doodzwingen alleen maar verdragen als je goed in het oog houdt waarvoor je het doet. Ik kon dat na de rechtszaak niet meer. Toen dacht ik: het kan best zijn dat Dennis' verhaal helemaal waar is, het kan ook zijn dat het gedeeltelijk waar is, maar aan deze spanning gaat m'n gezin ten onder. Ik wilde m'n gezinsleven terug. Sinds wij zijn opgehouden te procederen, worden we weer een beetje vriendelijker behandeld. Maar dat zal wel weer veranderen nu er toch een onderzoek komt.”

Gekrenkte ouders vechten het hardst

Bewijzen dat kinderen in Emmer-Compascuum seksueel zijn misbruikt, zijn niet gevonden. In een vergelijkbare zaak, tien jaar eerder in Oude Pekela, zijn ook nooit bewijzen gevonden. Toch beweert het artsenechtpaar Jonker nog altijd dat er in Oude Pekela wel degelijk iets is gebeurd. De psychologen Wolters en Crombag denken van niet. Het enige wat zulke zaken helpt oplossen, is de tijd.

Onderzoek sekskelders

Esther Hageman

LEIDEN – De Utrechtse klinisch psycholoog prof. dr. W. Wolters denkt dat het niet eenvoudig zal zijn om een zaak als Emmer-Compascuum goed af te sluiten: „De weg terug is moeilijk. Als het onderzoek goed gedaan is en daar ga ik in Nederland van uit, dan moet je afsluiten, een punt zetten. Zijn mensen in de eerste fase van de gebeurtenissen niet goed opgevangen, zijn ze gekrenkt, dan wordt hun vechthouding alleen maar sterker. Dan lukt het moeilijker om er een punt achter te zetten.”

In Oude Pekela zouden als clowns verklede kinderlokkers maar liefst vijftig zeer jonge kin-

deren hebben misbruikt. De zaak was wereldnieuws in 1987, maar de waarheid is nooit ondubbelzinnig boven tafel gekomen. Het artsenechtpaar Jonkers trok verstaande conclusies uit eigen onderzoek, maar dat werd fel bekritiseerd. Emmer-Compascuum kwam tien jaar later in het nieuws. Vijf leerkrachten zouden kinderen hebben misbruikt in sekskelders onder de school – maar de bewuste kelders zijn nooit gevonden.

Wolters: „In Emmer-Compascuum is nu besloten dat TNO nog een keer op zoek gaat naar kelders. Maar dat zou nu het allerlaatste moeten zijn. Daarna moet het slijten. De vraag is of daar therapeutisch wel zoveel aan te begeleiden is. De meningen zijn natuurlijk ingesloten.”

„In Oude Pekela zijn eigenlijk nog steeds twee kampen. Langdurige media-aandacht versterkt het probleem bovendien: dan wordt iets een nationaal drama, mensen krijgen rollen of nemen rollen op zich en kunnen die niet meer loslaten. Eigenlijk weet ik ook geen Nederlandse of buitenlandse voorbeelden waar een gemeenschap in dit soort situaties wel met succes terugkeert tot een normale toestand. Oud zeer blijft vaak zeer lang woekeren, er ontstaat schuttersputjes-gedrag.”

De Maastrichtse rechtspsycholoog prof. dr. H. Crombag, schrijver van 'Hervonden herinneringen', is veel uitgesprokener over de waarde van therapie in een geval als Emmer-Compascuum. „Het slechtste wat je kunt doen, is

daar een team toptherapeuten naartoe sturen. Het enige wat daar nog helpt is tijd. Iedere andere handeling dan tijdsverloop drijft de mensen verder hun mentale tunnel in.”

Crombag vindt het ook al erg onverstandig om TNO nader te laten uitzoeken of er onder de school soms kelders zijn die eerder niet zijn ontdekt. „Er is het beroemde geval uit 1984 van de Fells Acre-school in de Verenigde Staten, waar een geheime kamer zou zijn waar seksueel misbruik zou hebben plaatsgevonden. Elke keer dat naar die kamer werd gezocht en niks werd gevonden, reageerden de ouders met: jullie hebben niet op de juiste plek gezocht, of de methode was verkeerd.”

„De afloop van een geval als Emmer-Compascuum is nooit dat ouders zeggen: mooi zo, er is dus niks gevonden, dat is een pak van ons hart. Ouders blijven roepen dat de aanpak fout was. Ze zien zo'n uitkomst niet als een opluchting, maar als de ultieme belediging.”

Hoe het kan gebeuren dat bij een groep ouders het idee postvat dat er seksueel misbruik heeft plaatsgevonden door clowns (Oude Pekela) of (Emmer-Compascuum, Fells Acre) door leerkrachten, daar heeft Crombag wel een hypothese over. „Dat proces heb ik laatst in een wetenschappelijk artikel *collaborative storytelling* gedoopt: wat er is gebeurd is onzeker, maar eindeloos met elkaar pratend wordt 'zeker' wat eerst vaag was en ontstaat

een interne solidariteit naar de buitenwereld. Een heel gevaarlijk proces.”

Maar waarom het gebeurt, weet Crombag niet. „Dat is net zo'n vraag als: waarom slaan voetbalhooligans elkaar de schedel in – ze kunnen niet eens zelf dat gebeurt om de leegte te verdrijven, om opwindend te voelen. Maar het gaat wel gepaard met een ontzettende hoop pijn – die wel degelijk echt is.”

„De ouders in Emmer-Compascuum hebben een werkelijk, groot verdriet. Misschien hebben ze zich erop verkeken en dachten ze eerst: Ach, één stapje op dat pad zetten, dat moet kunnen. Maar wat de deskundigen nu in elk geval moeten doen, is: niets. Ze moeten zeggen: Wij kunnen niets meer voor u doen.”

Clinton wil 'tolerantie' in Kosovo

PRISTINA, 23 NOV. President Clinton heeft vandaag een bliksembezoek van enkele uren gebracht aan Kosovo, zijn eerste. Hij zei gisteren die gelegenheid te willen gebruiken voor „een krachtig pleidooi” voor etnische tolerantie aan het adres van de Kosovaren en voor de waarschuwing dat de Kosovaren hun land niet tot een spiegelbeeld van Servië moeten maken.

Clinton kwam vanochtend, met zijn dochter Chelsea en minister van Buitenlandse Zaken Madeleine Albright, in Pristina aan vanuit de Bulgaarse hoofdstad Sofia. Hij werd verwelkomd door de chef van de VN-missie in Kosovo, Bernard Kouchner, en door generaal Klaus Reinhardt, commandant van de vredesmacht KFOR.

In Pristina sprak de Amerikaanse president met de Kosovaarse leiders Ibrahim Rugova en Hashim Thaci en met de leiders van de Servische gemeenschap in Kosovo.

vo, aartsbisschop Agnelli en Momčilo Trajković alvorens door te reizen naar de stad Uroševac, waar hij in een toespraak wilde oproepen tot een stopzetting van de wraakacties van de Kosovaren tegen de Serviërs en waar hij een pleidooi wilde houden tegen etnische intolerantie.

Na een bezoek aan het legerkamp Bondsteel, hoofdkwartier van de Amerikaanse KFOR-eenheden, wil Clinton later vandaag doorreizen naar Aviano in Italië, vanwaar hij vervolgens zou terugvliegen naar Washington – het eind van een tiendaagse rondreis door Europa.

In Sofia zei Clinton gisteren dat de Amerikanen zich in Kosovo hebben verbonden aan een beleid van verzoening en van politieke en economische wederopbouw. Doelend op de tien jaar van Servische onderdrukking vóór de NAVO-luchttoerlog en op de wraakacties van de Albanese Kosovaren op de

Serviërs ná die oorlog zei Clinton dat „het heel belangrijk is dat Kosovo niet het spiegelbeeld wordt van Servië. Dat zal moeilijk zijn, maar het is belangrijk dat het lukt. En we zullen doorgaan er hulp te bieden”.

Later gisteren maakte Clinton duidelijk tegen de onafhankelijkheid van Kosovo te zijn. Hij zei dat een onafhankelijk Kosovo met Albanië en Macedonië tot de armste landen van Europa zou horen. Clinton ging niet in op de politieke consequenties van onafhankelijkheid van Kosovo voor het voortbestaan van buurland Macedonië. Hij liet zich optimistisch uit over de ontwikkelingen in Kosovo. „Er is sinds de oorlog veel goeds gebeurd. En dat is nog niet zo lang geleden. En we moeten in Kosovo en op de Balkan een heel lange geschiedenis zien achter ons te laten.”

In Belgrado is het bezoek van Clinton aan Kosovo scherp ver-

oordeeld. Het werd in een verklaring van de regerende socialistische partij bestempeld als „een terugkeer naar de plaats van de misdaad”, een verwijzing naar de NAVO-bombardementen op Joegoslavië van eerder dit jaar.

In Sofia prées Clinton gisteren de Bulgaarse regering uitvoerig voor de steun die ze de NAVO dit jaar gaf tijdens de luchttoerlog, dit ondanks het verzet vanuit de Bulgaarse bevolking en de traditioneel goede relaties tussen Bulgarije en Joegoslavië. Hij zegde de Bulgaren opnieuw steun toe voor hun economische hervormingen. Dertigduizend inwoners van de Bulgaarse hoofdstad juichten Clinton op het centrale Aleksandur Nevski-plein toe, ondanks de last van zware veiligheidsmaatregelen en een druilerige regen. Het bezoek van Clinton aan Bulgarije was het eerste ooit van een Amerikaanse president aan dat land. (Reuters, AP, AFP)

Navo-propaganda

De eerste studies naar de Kosovo-oorlog suggereren dat de media en het publiek zich, net als tijdens de Golfoorlog, weer te gemakkelijk van leugen naar leugen hebben laten meeslepen. Onderstaand artikel verscheen in De Groene Amsterdammer van 27 januari 2001. Auteur is Jaap van Ginneken

Op het moment dat een "moreel rechtvaardige" oorlog als de Navo-interventie in Kosovo in volle gang is, en ook "onze jongens" daarbij gevaar lopen, staan de media en het publiek vaak niet open voor "de achterkant van het gelijk". De grijstinten vervaagen, het beeld wordt vereenvoudigd tot zuiver wit en zuiver zwart, we hebben een "waas van bloed" voor onze ogen. Het eigen morele gelijk wordt dramatisch en emotioneel uitvergroot tot "surplus nobility", het morele ongelijk van de anderen wordt uitvergroot tot "surplus evil" volgens mechanismen die ik eerder detailleerde in het boek *De schepping van de wereld in het nieuws*.

Wij vertegenwoordigen daarbij onveranderlijk "de internationale gemeenschap" en voeren een "humanitaire interventie" uit waarbij een "vrede-smacht" een onderdrukt volk gaat "bevrijden". Wij hebben geen vooringenomenheden en belangen. De vijand is daarentegen niets minder dan een nieuwe Hitler die zich onveranderlijk van nazi-methoden en concentratiekampen bedient hij heeft ook geen legitimatie andere preoccupaties.

Het is vaak verstandig even te wachten totdat die opwindende weer wat is weggeëbd, alvorens op zoek te gaan naar de nuances. Nu democratische verkiezingen zowel in Kosovo als in

Servië gematigden aan de regering hebben gebracht, is het misschien tijd om nog eens terug te kijken en enkele lessen te trekken. En ons met name af te vragen of we in tijden van crisis wel zo goed en veelzijdig worden geïnformeerd dat we zinvol kunnen besluiten bepaalde initiatieven te ondersteunen of niet. Of is het misschien toch zo dat de media en de publieke opinie zich in voorkomende gevallen betrekkelijk gemakkelijk op slechtouw laten nemen, steeds opnieuw? Want nadat de propaganda in de Golfoorlog eindelijk afdoende was ontleed, ging het in Kosovo in iets andere omstandigheden weer ongeveer hetzelfde. Er waren weliswaar zo'n 2.700 journalisten rond Kosovo (tegenover bijvoorbeeld slechts vijfhonderd op het hoogtepunt/dieptepunt van de Vietnamoorlog), maar het blijft de vraag of we daardoor ook veelzijdig werden geïnformeerd.

Het heeft meer dan een jaar geduurd voordat het eerste substantiële boek over dit onderwerp verscheen. Het is een bundel onder redactie van de Britse medialector Philip Hammond uit Londen en de Amerikaanse emeritus hoogleraar Edward Herman uit Philadelphia. Daarnaast is de nieuwste editie van het standaardwerk van de Britse journalist Philip Knightley over oorlogsverslaggeving en propaganda ook weer uitgebreid met een hoofdstukje over Kosovo. Er zullen ongetwijfeld nog andere studies volgen. En de balans is tot zover niet erg opwekkend.

Het is waar dat het boek van Hammond en Herman nog wat sporen draagt van de anti-oorlogspolemieken van destijds door een kleine pacifistische minderheid. Sommige kleinere hoofdstukken zijn sterk opiniërend van aard, en minder geannoteerd. Dat

geldt bijvoorbeeld voor het voorwoord van de Britse toneelschrijver Harold Pinter, voor enkele oudere commentaren van de Britse journalist John Pilger, en voor een (tweede) hoofdstuk van de in Parijs woonachtige Amerikaanse publiciste Diana Johnstone over de dubbelzinnige rol van de Franse "nouveaux philosophes". Die schotschriften hadden wat mij betreft niet (meer) gehoeven, en doen het boek eerder schade dan goed. Maar zelfs als je dat er van aftrekt, blijft er nog meer dan genoeg stof tot nadenken over. Vooral de academische auteurs slagen er over het algemeen in de mediaverslaggeving van destijds en de Navo-propaganda op wezenlijke punten overtuigend ter discussie te stellen.

Dergelijke boeken zouden daarom eigenlijk verplichte stof moeten zijn voor aankomende journalisten en studenten communicatiewetenschap.

Maar nergens in de westerse wereld bestaan academische instituties die systematisch studie maken van propaganda en al helemaal niet van die aan onze eigen kant. Daardoor blijft de kennis fragmentarisch en laten redacteurs zich telkens opnieuw in de luren leggen.

Seth Ackerman en Jim Naureckas van de Amerikaanse watchdog-groep Fair (Fairness and Accuracy in Reporting) plaatsen om te beginnen vraagtekens bij een van de belangrijkste frames of interpretatiekaders van de crisis namelijk dat het allemaal begonnen zou zijn met de reis van Milosovic naar Kosovo in 1989, en het arbitrair opschorten van de autonomie van de regio. Die visie werd vlak voor de confrontatie uitgevent door de toenmalige Amerikaanse minister van Buitenlandse Zaken Albright en daarna kritiekloos overgenomen door het over-

grote deel van de media. Zij gaat volgens de auteurs voorbij aan het feit dat de maatregel juist een reactie was op separatistische agitatie in de regio gedurende de jaren zeventig en tachtig, die uitliep op steeds terugkerende gewelddadigheden tegen de Servische minderheid aldaar. Vanaf de rellen van 1981 in Pristina had dit in de loop van de tijd tot een groot aantal doden en gewonden geleid.

De belaste term "etnische zuivering" is volgens deze auteurs ook niet afkomstig van de Serviërs maar juist van de Kosovaarse Albanezen. Ze keken er bijvoorbeeld de Nexis' "news database" op na, en vonden dat een eerste verwijzing naar het begrip in de New York Times in 1982 sloeg op het Kosovaars-Albanese streven, net als een half dozijn verwijzingen in daaropvolgende jaren.

Nog in 1987 schreef de New York Times: "Etnische Albanezen in de [plaatselijke] regering hebben openbare fondsen en reglementen gemanipuleerd om land over te nemen dat aan Serviërs toebehoorde." Het artikel sprak over systematische aanvallen op kerken, het vergiftigen van bronnen, het doodsteken van jongens en het verkrachten van meisjes. Later was dat opeens allemaal weer vergeten.

Iets dergelijks gold volgens de auteurs voor het oplaaien van de burgeroorlog vanaf begin 1998 een jaar vóór de crisis. Het aantal doden liep volgens het onafhankelijke Swedish International Peace Research Institute Sipri snel op, maar was desondanks niet hoger dan in een gemiddelde grote stad in de Verenigde Staten (of op één dag van politiek geweld in de rest van de wereld).

In de Amerikaanse en westerse media werd ondertussen nauwelijks aandacht besteed aan het optreden en de excessen van het Kosovo Bevrijdingsfront, maar alleen aan de Servische tegenoffensieven die daardoor volledig op zichzelf staande intimidatiecampagnes leken te zijn. Overigens werd het Bevrijdingsfront toen nog door de Amerikaanse afgevaardigde Robert Gelbard omschreven als een "terroristische organisatie" en openlijk in verband gebracht met wapen- en drugs-smokkel. Niemand in het Westen was nog voor het losweken van Kosovo en het mogelijke ontstaan van een "Groter Albanië". Pas later bedacht

men dat er toch onvermijdelijk een militaire confrontatie met Servië zou moeten komen.

Er werd een grens overschreden met "de slachting" van Raçak, zo betogen de samenstellers van het boek, Hammond en Herman zelf. De ware achtergronden daarvan waren overigens goeddeels buiten beeld gebleven.

Op 10 januari had het Bevrijdingsfront daar een politiepost aangevallen en een politieman gedood. Op 15 januari voerden Servische troepen een tegenoffensief uit in de omgeving, waarbij in de bossen hevig werd gevochten. Daarna trokken zij zich terug en nam het Bevrijdingsfront weer bezit van het dorp. De volgende dag toonde het Bevrijdingsfront tientallen lijken in burgerkleding aan waarnemers en journalisten: het kennelijke bewijs van een standrechtelijke executie of massamoord.

Wat nauwelijks uit de media naar voren kwam, was dat OVSE-waarnemers en AP-journalisten de "politio-nale actie" van de Serviërs de dag daarvoor hadden begeleid en gefilmd. Sceptici opperden dat het Bevrijdingsfront selectief jongere en oudere gesneuvelden uit het gevechtsgebied had verzameld en bij elkaar gelegd. Forensisch onderzoek van onder meer Finse deskundigen zou volgens de auteurs later hebben aangetoond dat ze goeddeels bij gevechten waren omgekomen. Maar het Amerikaanse hoofd van de waarnemers William Walker stelde onmiddellijk met zekerheid dat het overduidelijk een massaexecutie was geweest. (Dezelfde diplomaat had eerder overigens als Amerikaans ambassadeur in El Salvador de moord van rechtse militairen op zes jezuïeten vergeleekt als een "management control problem": "Dergelijke dingen gebeuren nu eenmaal in tijden van grote emoties en woede.")

Dezelfde auteurs en Peter Gowan, lector politicologie uit Londen, geven ook een vernietigende analyse van de welbewuste Amerikaanse manipulatie van de massamedia en de publieke opinie bij de stukgelopen onderhandelingen van Rambouillet. De Servische kant was wel degelijk bereid om een politieke regeling te aanvaarden over een herstel van interne autonomie voor Kosovo. Juist het Bevrijdingsfront lag tot vlak voor het eind dwars, en ging pas overstag toen het onder-

hands kreeg gegarandeerd dat men de onderhandelingen met een foefje zou laten stuklopen.

Een hoge Amerikaanse functionaris zou op dat moment cryptisch tegenover journalisten hebben verklaard: "We hebben de stok expres te hoog gelegd Ze hebben wat bombardementen nodig."

Op het allerlaatste moment werd namelijk door de Amerikanen (buiten de bemiddelende Russen om) in "aanhangsel B" bij de ontwerpovereenkomst een clausule geïntroduceerd waarvan men wist dat die voor de tegenpartij volledig onaanvaardbaar zou zijn: namelijk dat er niet alleen tienduizenden Navo-troepen in Kosovo zouden worden gestationeerd, maar dat die zich ook vrijelijk en straffeloos door heel Servië zouden mogen bewegen. Dat kwam de facto neer op het aanvaarden van een buitenlandse bezettingsmacht. Kissinger noemde dat een "deal-breaker". Maar de meeste media hadden niets in de gaten, en het bestaan van die beslissende clausule werd maandenlang over het hoofd gezien en zelfs glashard ontkend.

Op dat moment waren er al veertien maanden voorbereidingen aan de gang voor een mogelijke bombardementscampagne die de aanhoudende Servische koppigheid moest breken.

In de 78 dagen tussen 24 maart en 10 juni werden uiteindelijk 37.000 bombardementsvluchten uitgevoerd, gemiddeld vijfhonderd per dag; voor het merendeel door de VS en vanaf zeer grote hoogte. Aanvankelijk beperkte men zich daarbij tot militaire doelen. Er zouden 93 tanks zijn vernietigd, 153 pantservoertuigen en 400 stuks artillerie zo zei de Navo. Maar achteraf bleek dat pure bluff: Paul Beaver van het bekende vakblad Jane's Defense Weekly constateerde later dat ter plaatse slechts dertien tanks waren vernietigd en dat de rest intact was.

Volgens een vertrouwelijke Britse studie die in handen van de BBC kwam, miste (net als eerder in de Golf) zestig procent van de zogenoemde "slimme bommen" hun oorspronkelijke doel en zelfs 98 procent van de gewone "domme bommen".

Omgekeerd haalden de Serviërs al in de eerste dagen van de oorlog een ultramoderne Stealth-bommenwerper neer en meesmuilden triomfantelijk: "Sorry, we wisten niet dat hij onzicht-

was." (De Navo vluchtte daarbij van leugen naar leugen. Eerst dat het niet waar kon zijn, vervolgens dat het een ongelukje was geweest, toen dat men eerst de bemanning had willen redden maar dat bleek allang gebeurd). Deze gegevens ontkrachten de kern van de cruciale Navo-mythe van de "precisie-oorlog", waarbij de eigen kant geen enkel risico loopt maar een gigantische overmacht in vuurkracht en computers inzet om militaire doelen van de tegenstander met "chirurgische nauwkeurigheid" buiten bedrijf te stellen. Door deze "precisie-oorlog" zou er ook niet of nauwelijks "nevenschade" aan civiele doelen in de omgeving zijn, en evenmin veel burgerdoden. Die mythe werd weliswaar opnieuw door de media geloofd en naar de publieke opinie uitgedragen, maar de realiteit was volgens de auteurs een heel andere.

De weerstand van het Servische leger werd in deze eerste fase nauwelijks gebroken en het Servische volk werd eerder méér dan minder eensgezind.

Zelfs de internationale kritiek nam toe, naar aanleiding van enkele grote missers, waarover eveneens glashard werd gelogen. De eerste was op 12 april, toen een passagierstrein op een brug onder vuur werd genomen. Aanvankelijk beweerde het Navo-hoofdkwartier dat de trein te snel had gereden om de aanval nog te kunnen stoppen. Men toonde zelfs een videotape van de loop der gebeurtenissen. Pas veel later kwam uit dat die videotape drie keer te snel was afgespeeld, wat de indruk van onvermijdelijkheid versterkte.

Daarna hield men zelfs nog even vol dat dit een onbedoeld technisch probleempje was geweest. Maar dat was zelfs voor de meest lichtgelovige commentatoren wat al te doorzichtig.

Een tweede voorbeeld van een misser vond plaats op 13 mei, toen het dorp Korisa werd aangevallen, waarbij tachtig Kosovaars-Albanese burgers omkwamen. Aanvankelijk ontkende de Navo dit, en stelde zelfs dat de Serviërs het hadden gedaan. Later betoogde men dat er militaire concentraties waren geweest en dat de burgers welbewust als "menselijk schild" waren gebruikt. Wederom pas veel later bleek dat men de opeenhoping van tractoren en aanhangwagens van vluchtelingen ook hier vanaf grote

hoogte waarschijnlijk ten onrechte voor tanks en pantserwagens had gezien.

De "nevenschade" onder burgers liep overigens nog verder op toen men besloot dat de zuiver militaire aanpak niet werkte en dat daarom de hele Servische infrastructuur geleidelijk moest worden vernietigd: elektriciteitscentrales, raffinaderijen, fabrieken, bruggen. Niet alleen legde dat de Donau internationaal lam en veroorzaakte het een reusachtige milieuvervuiling, er werden ook steeds meer woonhuizen, scholen, ziekenhuizen en kunstschaten geraakt.

Westerse verslaggevers in Belgrado en elders die daarover berichtten, werden er stevast van beschuldigd zich te laten misbruiken door de vijand. Onder tusschen werd er ook gelogen over de aanvallen op de Chinese ambassade en de Servische televisie propaganda waarover ik recent in het boekje *Verborgene verleiders* heb geschreven.

De dagelijkse persconferenties van de Navo in Brussel voorzagen de media al die tijd van een doorlopende stroom propaganda die werd gebracht als objectieve informatie. Knightley gaat in op de mise-en-scène van de autoriteiten daarbij. Enerzijds doordat "de deskundigen" vaak op een verhoogd podium werden geplaatst, met een grote groep journalisten beneden; anderzijds doordat zij vaak de "back up" hadden van een groot filmscherm, waarop bommenwerpervideo's konden worden getoond. Natuurlijk waren deze steeds zorgvuldig geselecteerd en van een voorinterpretatie voorzien. Maar de gewekte illusie was dat je met eigen ogen "de feiten" kon waarnemen.

Toen de eerste militaire fase van de bombardementen weinig effect bleek te hebben gehad en een tweede civiele fase werd ingezet, met een snel toenemend aantal burgerslachtoffers en controverses als gevolg, ontstond alsnog timide kritiek. Er vond daarop een grote reorganisatie van de public relations plaats.

Vanuit Washington en Londen werden inderhaast teams van de beste "spin doctors" ter wereld ingevlogen, waaronder Tony Blairs imagoadviseur Campbell, die achter de schermen het heft in handen namen.

Ondertussen waren veel grote westerse media de facto "gelijkgeschakeld".

De media-analisten van het voornoemde Fair maakten bijvoorbeeld een analyse van het bronnengebruik van CNN bij dergelijke gelegenheden het invloedrijkste medium ter wereld en inmiddels ook eigendom van het machtigste mediabedrijf ter wereld, Time Warner. Officiële Anglo-Amerikaanse woordvoerders bleken daarbij driemaal zo vaak aan het woord te komen als Servische en negen keer zo veel tijd te krijgen. Maar vooral: de eersten konden vrijelijk onbewezen beweringen en beschuldigingen doen, terwijl die van de laatsten voortdurend in twijfel werden getrokken. Van de (meer geloofwaardige) vijftien belangrijkste westerse critici van de oorlog werden er daarentegen niet meer dan drie in totaal aan het woord gelaten, in slechts 0,7 procent van de gevallen.

De bekende Britse journalist John Pilger vertelt dat hij zijn kritische commentaren opeens bij geen enkele grote krant meer kwijt kon en dat BBC-uitzendingen tot vier keer toe werden afgelast. Toen hij uiteindelijk toch een kritisch commentaar geplaatst kreeg in The Guardian over de omschreven gang van zaken in Rambouillet, volgde een frontale aanval van de diplomatieke redacteur.

Die beschuldigde hem er zelfs van de omstreden clausules in het ontwerpverdrag zelf verzonnen te hebben. De redacteur bleek later ongelijk te hebben en het ontwerpverdrag zelf nooit volledig te hebben gezien.

Dit en andere voorbeelden plaatsen opnieuw ernstige vraagtekens bij het functioneren van elementair "hoor en wederhoor" in tijden van gewapend conflict. Onze beeldvorming van tien jaar oorlog wordt sterk door al deze vooringenomenheden gekleurd. Het verklaarde doel van de westerse bemoeienissen was "etnische zuiveringen" te voorkomen, maar het eindresultaat is dat ex-Joegoslavië door onze plaatselijke bondgenoten in een half dozijn etnisch zuivere gebieden is opgedeeld ook in Bosnië en Kosovo.

Het verklaarde doel van de militaire interventie in Kosovo was te voorkomen dat de Albanezen daar door de Serviërs zouden worden geïntimideerd en verjaagd, maar men kon van tevoren weten dat dit juist het onmiddellijke gevolg en daarmee ook de rechtvaardiging achteraf zou zijn.

Daarmee begon ook het gegoochel met cijfers. Nadat de Albanezen Kosovo massaal begonnen te ontvluchten, zei de Amerikaanse minister van Defensie Cohen op 16 mei tegen de Amerikaanse omroep CBS: "We hebben nu gezien dat er honderdduizend mannen in de militaire leeftijd ontbreken. Zij zijn mogelijk vermoord." De Britse minister van Buitenlandse Zaken Cook verklaarde later dat er zeker meer dan tienduizend mensen waren vermoord in tenminste honderd massaslachtingen. In de eerste vijf maanden na terugkeer van de vrede werden

echter 2108 lijken in massagraven gevonden, een aantal dat kan oplopen tot meer dan vierduizend. Een enorm massagraf in een mijn waarvan eerder zeer emotioneel melding was gemaakt, bleek echter niet te bestaan. De massagraven en de lijken zijn erg genoeg, en het zou altijd nog erger kunnen worden, maar het is niet wat ons eerder is verteld. Bovendien is het vooralsnog onduidelijk in hoeverre die doden slachtoffer waren van oorlogshandelingen van de beide partijen, dan wel van moord of van massaexecutie.

Noten:

P. Hammond & E.S. Herman (eds.), *Degraded Capability: The Media and the Kosovo Crisis*. Uitg. Pluto
P. Knightley, *The First Casualty: The War Correspondent as Hero, Propagandist and Myth Maker*. Uitg. Prion

□ Jaap van Ginneken

De auteur is politiek psycholoog en communicatie-wetenschapper. Het artikel is eerder verschenen in De Groene Amsterdammer van 27-1-2001.)

Reisverslag van het INKAV aan Joegoslavië

Reisverslag van het Internationale Kamp van de Vriendschap (INKAV) aan Sirogojno, 2000. Het boek is geschreven door Annabelle Schouten en uitgegeven door uitgeverij Woudenberg.

Op uitnodiging van de Patriottische Unie van Joegoslavië namen vredesjongeren van over de hele wereld deel aan het Internationale Vredeskamp om met eigen ogen te zien hoe de situatie werkelijk was. De jongeren gingen gewapend met een notitieboekje en pen naar de talloze persconferenties en bijeenkomsten en reisden in groepsverband ook naar de door KFOR bezette provincie Kosovo. Dit boekje, 180 blz. geïllustreerd, is niet alleen een dagboek maar ook een getuigenis van de gebeurtenissen welke zo vaak in de media vertekend en verdraaid zijn weergegeven. De auteur Annabella Schouten, geboren in Rotterdam op 15 maart 1982, volgt momenteel een studie politieke en sociaal/culturele geschiedenis met als specialisatie journalistiek. Door haar belangstelling in en betrokkenheid met de internationale politiek kwam ze al snel in aanraking met de vredesbeweging. Hevig verontwaardigd nam ze deel aan de protesten tegen de barbaarse bombardementen van de NAVO op een soeverein land, de Federatie Joegoslavië. De prijs van het boek is f 30 (inclusief f 5 verzendkosten)



"Vlieg vredesdurf, vlieg! Neem de wereld onder je vleugels!"

en te bestellen door overmaking op giro 4993714 t.n.v. A. Schouten, Woudenberg, met vermelding van DifYU. Uitgeverij Woudenberg, Voorstraat 42A, 3931 HE Woudenberg. Tel. 033 - 2860271; e-mail woudenberg1@cs.com

Steun Milosevic

Joegoslavië zal ongetwijfeld zwichten voor de buitenlandse druk, de chantage van Bush en NAVO is enorm, en Milosevic uitleveren aan het Joegoslavië Tribunaal, stuur hem dan post. Brieven en kaarten laten hem weten dat hij vrienden heeft.

Het adres van Milosevic is:

Slobodan Milosevic,
Joegoslavië Tribunaal,
Churchillplein nr. 1,
1217 JW DEN HAAG.