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Contextualizing Hate

The Hague Tribunal, the Clinton Administration and the Serbs

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Summary

To break the cycle of vengeance, the United Nations should take measures to help local courts bring to justice war criminals on all sides of the conflicts in former Yugoslavia. The International Penal Tribunal, in contrast, was set up, organized and funded not as an unbiased world court of justice but as a political instrument directed against a single party to the conflicts: the Serbs. Like the media, the Tribunal ignored the Croatian attacks on Serbs in Western Slavonia, which initiated the rounds of ethnic cleansing producing criminals and victims among all population groups. Situated in The Hague the better to borrow the luster of the venerable International Court of Justice, the Tribunal's conduct actually risks undermining international law. The arbitrary and biased conduct of the Tribunal is most sharply illustrated by the treatment of Bosnian Serb General Djordje Djukich, who after being kidnapped by Sarajevo authorities in violation of the Dayton Accords, was illegally detained and interrogated in the Hague while he was dying of cancer, in a vain effort to incriminate senior Serb leaders. This cruel and arbitrary conduct is the product of the emerging political culture in a United States conscious of being the sole Superpower and convinced that it can and should impose its will on the world. But by abandoning the best of traditional American values in its undeclared war against the Serbs, the Clinton administration may be leading the United States itself into unforeseen troubles.

Some sixteen years ago, Anthropology Professor George Vid Tomashevsich (University of Buffalo) pleaded for non-interference in Yugoslavia by foreign powers and issued this warning in a letter to the New York Times (1 April, 1980)

"...splitting up the admittedly imperfect but viable Yugoslav Federation would be virtually impossible without drastic and brutal political and economic surgery, which at best could not fully satisfy any of the separated parts. Every conceivable divorce between Serbia and Croatia would of necessity involve not only a painful partition of Bosnia and Herzegovina but also the explosive question of the ethnic identity of the Yugoslav Moslems and nightmarish ex-changes of hundreds of thousands of uprooted Serbs and Croats from the disputed territories..."

In 1993, as the Clinton Administration decided on an undeclared war against the Bosnian Serbs, the United Nations Security Council set up an International Tribunal to deal with war crimes in the former Yugoslavia since 1991. It was housed at the Hague, not far from the venerable World Court, extant since 1907. The UN Charter made no provision for such a Tribunal (1). Two Muslim states, Pakistan and Malaysia, were among the earliest financial backers. None of the initial 25 hand-picked jurists came from a single country that could be held to be favorable to the Serbs on either political or religious grounds or both (2). The Tribunal's first investigative Commission was headed by an ardent Sunni Muslim scholar from Egypt. His report on war crimes concerned exclusively a section of eastern Bosnia with a once-predominantly Muslim population. It was here, after the international recognition of Bosnia as a state in April 1992, that a collection of Serb irregulars, many

Although the investigative time-frame included 1991, the Commission remained silent about another, much larger, event that took place between August 1991 and early 1992. In what is known as western Slavonia, when both Croat irregulars and Croatia's newly formed army went on a terror campaign in which 189 Serb villages were destroyed, several thousand Serb civilians were killed, 70 Orthodox churches were systematically destroyed, Serb priests and even a Bishop were arrested, while some 40,000 refugees fled in disarray into Bosnia and Serbia. A substantial Serb population in the major Slavonian city of Vukovar disappeared without having fled, leaving traces of torture in the old Austrian catacombs under the city along with evidence of murder and rape. The Western media, whose demonization of the Serbs was already well underway, chose to overlook these events whose crucial significance was thus completely missed by the outside world. It was the massive Croat purge of western Slavonia's Serbs that ushered in and provoked the "modern" post-World War II "ethnic cleansing" which was pinned exclusively on the Serbs in 1992, some months after the whole of western Slavonia was "freed" and left to the Croats alone. What gives the western Slavonian event (3) an even more acute significance is its impact on the Serbs in general who immediately saw the replay of what was done to the Serbs in Croatia and Bosnia between 1941-1945 (4).

Involving the loss of the lives of several hundred thousand Serb men, women and children in the two regions, that was by far the most bestial example of war crimes in all of Europe under the German Nazi hegemony. Some Serbs were carved up alive or roasted on the spit. In several hundred cases eyes were gouged out with spoons. Hundreds were burned alive in their tightly shut Orthodox churches. Small children were smashed against walls, decapitations and rapes were commonplace, thousands were buried in mass and individual graves as well as caves, tens of thousands were put in 22 concentration camps in Croatia and Bosnia, thousands more were forcibly converted into another branch of Christianity, countless thousands fled in terror out of immediate reach. (5) To be sure, these gruesome crimes were mainly the work of Croat Nazis, none of whose higher-ranking members were ever tried for war crimes. Even officers of the German regular army stationed in the regions felt uncomfortable with the ongoing mayhem. It was hence not difficult to whip the Serb irregulars of April 1992 into a frenzy as their commander "Arkan" (Zeljko Raznatovic) swore that "never again" would the Serbs submit to being ruled by others or permit mass exterminations and mass expulsions of fellow-Serbs "wherever they may be, "with reprisals "sure to follow." (6) Arkan then moved into Slavonia and Serb-held Krajina to inflict misery on the Croat peasants who had nothing to do with the earlier ethnic cleansing of the Serbs from western Slavonia. He thus stepped right into the full view of UN observers and the global media, making it impossible to save the Serbs as a nation from hatreds knowing no bounds and continuing to flourish outside any historic context (7).

By the start of 1996, the Tribunal's expenditures topped \$40,000,000, mostly for salaries. It had indicted 46 Serbs, 8 Croats and one Muslim for war crimes. The Serbs were on the Tribunal's list for crimes against both the Croats and Muslims, the Croats allegedly committed crimes against the Bosnian Muslims while the sole Muslim was charged with crimes against the Bosnian Croats (8). In the third week of March 1996, there was an unusual addition to the list of war criminals sought. Three Bosnian Muslims and one Croat were indicted for crimes committed against the Serbs. Indeed, up until then, after more than two years of activity, the Tribunal had somehow failed to indict anyone for a wartime crime against a single Serb. This is despite the fact that, by the start of 1996, there were over 1,000,000 Serb refugees from western Slavonia, Krajina and Bosnia, that thousands of Serb civilians had been killed in these sections of "old" Yugoslavia, and that this was done by the

year old civil war among three main co-belligerents. The Bosnian government's army destroyed scores of Orthodox Christian churches and used regularly the United Nations-designated "safe zones" from which to attack the near-by rural Serbs in raids that would never reach the Western European or American TV screens. As a host of UN observers of low and high rank have repeatedly insisted, Bosnian government forces routinely endangered their own civilians through the calculated provocation of Serb shelling which would be on global TV screens within hours, as the cameras were turned on in advance. By early 1994, the War Crimes Commission received an important shipment of documents, many of better than prima facie quality (9), listing crimes committed against the Serbs since 1991. The evidence was submitted through the diplomatic pouch, it was duly signed for and, to this day, has never been used to indict anyone. It was, however, traced to Chicago's DePaul University where the Commission's head (Mammoud Cherif Bassiouni) taught international law briefly. A small team of Catholic volunteer students was given the assignment of preparing a data-base from an even larger documentation for all of the former Yugoslavia, while the Federal Bureau of Investigation provided in-house security (10). When asked to account for the missing documents for crimes against the Serbs, the Commission's head claimed he knew nothing about them. It becomes clear that something is very wrong with The Hague Tribunal (11).

On 23rd July 1996, the following paid advertisement appeared in the editorial page of the *Haagsche Courant* a petition to the Hague's Lord Mayor and its citizens, on behalf of the Americans for International Justice Committee, an umbrella group formed in San Francisco in 1993, to monitor The Hague Tribunal (12):

"For several centuries Holland has been regarded as one of the most civilized nations. The Hague in particular has been the seat of the World Court in the current century, a court distinguished by the application of Law to relations and disputes between nations and states. The City and the Court became intertwined, epitomizing some of the most admirable legacies of the Western Civilization itself. The cases heard by the Court and its careful judicial rulings virtually defined International Law, a field now taught at most major universities. The World Court as a global legal Officer, never engaged in advocacy, it never demanded reprisals; it left the acceptance of its rulings to the parties involved. It allowed simultaneous representation and the submission of representations to all sides in a given dispute; it did not launder or argue its findings in public before or during judicial review or proceedings, while the concept of international military intervention to enforce its rulings remained alien to the World Court. Right now, this magnificent legal heritage is being literally raped at The Hague, its respected home. Its image is being subverted by an imposter, a would-be legal organ, inserted deliberately into The Hague in search of a legal and cultural pedigree. It is presented as an international "Tribunal" on war crimes. It uses legal language. It has jurists on its panels. It has funds but, in fact, it is a fraud. It clearly has a mission which by its very nature has become a naked assault on law itself.

Dealing with war crimes in former Yugoslavia, it truncates the true historical context by eliminating all events before 1991, invoking statutes of limitations, which do not apply to war crimes. Disregarding rules of evidence and established normal legal procedure, it investigates, indicts, prosecutes and renders sentence as a single body. It demands that arbitrarily proclaimed war criminals be physically delivered to the "Hague Tribunal." It issues daily accusations to the world media against two particular leaders of a single ethnicity and religion in the three-part civil war in which all sides share in brutalities. It does not allow defense attorneys to challenge the accusations, by hiding behind a lack of mandate for trials-in-absentia. It is even demanding that the NATO troops in Bosnia hunt and

and secular legal tradition by pursuing its own political objectives. The Americans for International Justice Committee believes that the decent residents of the famous city and its highest elected officials are being deceived and dishonoured by the presence in their midst of a would-be "court of law" conceived in mischief, and motivated by political expediency and bias. It embodies the imperial arrogance of powers whose leaders mistake might for right. We, therefore, respectfully, petition the Lord Mayor and the citizens of the Hague to put the "Tribunal" on notice that, as presently constituted and operated it debases the true Court's historic legacy and is no longer welcome in their city. The proclamation would attest in no uncertain terms that the Hague intends to remain the permanent home and guardian of International Law, fathered by the illustrious Dutch jurist Hugo Grotius (Groot), whose immortal work *De iure belli ac pacis* (Law of War and Peace, Paris, 1625), had been the guiding light in the slow and painstaking evolution of international legality and morality."

Because even some of the Tribunal's supporters know, without admitting, that it is at odds with the UN Charter, that its establishment and maintenance bring up a host of embarrassing questions (13), one does hear frequently that the Tribunal is not patterned after the World Court but after the Nuremberg and Tokyo precedents. In order to hold this line, it has been advanced that the blood-letting in ex- Yugoslavia is not a civil war but an international aggression. This is because, when Bosnia became an internationally recognized state, elements of the Yugoslav Federal Army failed to leave it fast enough. None of this can withstand even minimal scrutiny. The German and Japanese cases involve military tribunals based not on any charter but on the rights of conquest. Bosnia is not under occupation by NATO (!?). In order to achieve the results of the American presence in Japan and Germany after their conquest, the Bosnia mission would require five times as many troops as there are now and their presence would have to last at least a decade, costing endless billions of dollars, an option unacceptable to the Western European and American peoples and therefore their governments alike. In the meantime, none of the co- belligerents in ex- Yugoslavia will turn over their leaders to The Hague Tribunal.

The Idea of the Tribunal

It would be a mistake to believe that a strong desire to deal harshly with war criminals in the former Yugoslavia persists mainly among segments of the intellectual and political elite in Western Europe, the United States and the Muslim countries. It is far stronger and it will be longer-lasting among the local survivors and relatives of the dead victims on all sides. Local reprisals and counter-reprisals simply insure that human memories will be intertwined or interspersed with hate, which can become obsessive at any time, especially in political and economic crises. If, somewhere along the way, the parties involved do not come to feel that legal justice has actually been done, the cycle of reprisals cannot be broken for good. This legal justice cannot come from outside. It must be arrived at internally. This is why, ultimately, the trials of killers and torturers of all the parties must be held in the local high courts and not at some distant tribunal. Until the Serbs, the Croats, and the Bosnian Muslims come to genuinely agree, on the basis of self-interest and insurance against future counter-reprisals, to deal directly with their own war criminals, neither the cause of justice nor that of enduring peace, will be served. It will certainly not be served by that well-paid mockery of International Law called, somewhat perversely, "The Hague Tribunal."

Indeed, it is high time to replace this Tribunal with a Permanent U.N. Commission on War Crimes (PCWC) with its own Monitoring Bureau (MB) strictly focused on investigating war crimes and providing the accusations of war criminals while allowing all the follow-ups (indictments, arrests, prosecution and the sentencing) to evolve locally in ex-Yugoslavia.

Common Law and which are not pre-advertised in the media. External powers would also be blocked from dictating the indictments ahead of time and deciding just who is to be punished or else "neglected" in the interest of some "higher goal." The Monitoring Bureau would see to it that trials take place within reasonable time limits or that the accusations are returned to the Commission for strengthening. In cases of a blatant circumvention of justice (i.e. a documented war criminal regarded by some at home as a "hero" is found to be not guilty as charged) one outside power at a time could put pressure on the respective governments via the suspension of diplomatic relations first, cultural relations next and trade relations last. This would prevent the punishment of the population through self-gratifying and brutal economic sanctions while escalating pressure in less crippling ways, always one at a time, one power at a time. In the end, there could finally be a concordance of both internal and external means to attain justice and provide a constant deterrent to the commitments of egregious war crimes. Continued support for the Hague Tribunal will achieve nothing but constant irritation without fulfillment, without justice accompanied by the growth of disrespect for law.

Creation of the Tribunal.

It was from the Western European side that the earliest proposals came for the Tribunal in 1992, as ethnic cleansing by Serb irregulars came into full view. It took, however, an American architect to put it through. The United States Ambassador to the U.N. found the starting funds in the amount of \$6,000,000, personally hired the first legal team of 25 jurists and made no secret of her wishes that the Tribunal should go after the Serbs (14). It was not particularly difficult to recruit the Tribunal's personnel with the same sense of mission and the same mind-set. By 1993, a host of European and American intellectuals, as well as politicians from across the political spectrum, castigated their respective governments for not using force to punish the Bosnian Serbs in particular. Some even wanted to bomb Belgrade for what was regarded as a crime, namely the support from Serbia for the Bosnian Serbs. There were at least three media blitzes against the Serbs in 1993 and the Bosnian Serbs did their level best to help the media out. They shelled Sarajevo without any real necessity and were instantly and repeatedly bashed on Western TV screens. They used U.N. personnel as shields against possible bombing of Bosnian Serb targets, which cost the Serbs many old friends in England and France. Over and above the self-inflicted image wounds, the Serbs in both Bosnia and Serbia misunderstood the power of public relations in the new electronic age. They would not hear of spending as little as \$76,000 a year to engage an American public relations firm for self-defense when the offer was actually made (15).

The net result was that Serbophobia had a field day without serious opposition from Serbia in Europe and the United States while editors of the scribal media on both sides of the Atlantic suppressed in myriad ways all texts defending the Serbs (16). In turn, this helped greatly in the otherwise strategic decision for the U.S. to enter into an undeclared war against the Bosnian Serbs, allow the Ayatollahs to violate the arms embargo and the Mujahadeen to enter in numbers into Bosnia, and actively help establish the Hague Tribunal. Even when numerous false charges and deliberate exaggerations are added (17), the Serbs did not particularly stand out in comparison with some other "modern" examples, but what the European and American Serb-haters in particular were after was not just punishment but punishment with humiliation. The reason for this obsessive hatred was the insolence of the Bosnian Serbs vis-a-vis much greater powers. If, in order to punish and humiliate Serbs in general, the Hague Tribunal needed to bend the law, circumvent it and violate it, that was of no consequence. Nothing illustrates this better and more poignantly than what Europe's Francophone press called "l'Affaire Djoukitch" (or Djukichaffair).

The Djukich Affair

Earlier this year, following the Dayton Accords, which made freedom of movement their

center-piece, two high-ranking officers of the Bosnian Serb army were taken prisoner by Sarajevo's government troops while driving in town. They were promptly called "war criminals." At the Tribunal's request, an U.S. transport flew them to The Hague where they were put in an empty Dutch prison, some ten kilometers from the Tribunal. Within several weeks they were put on trial as war criminals. One was a general named Djordje Djukich, the other a colonel named Aleksa Krsmanovich. Both had been non-combat officers, in Logistics. Some details are now in order. Compliance with the Dayton Accords requires that no arrests of alleged war criminals be made unless one or more figure on the Tribunal's list. The officers' captors provided no specific charges against either of the two. No one at the Hague had accused them prior to capture. They were not on any list or in any computer file. Clearly, the Tribunal was in violation of a key Dayton provision for war crimes. This was done deliberately and out of a sense of panic that the Tribunal would not be able to last for long. Despite all of the millions of dollars already spent, it actually had on hand only one accused Serb facing the judges and the case against him became more feeble with the passage of time. Nevertheless, to be able to confront directly two Serb officers of high rank proved irresistible to the Tribunal Prosecutor. It was also against Holland's laws to hold someone in prison for weeks without any charges but this was disregarded while counting on the international status of the UN Tribunal. The pursuit of "international justice" justified breaking Dutch law as well as American laws, given that the Tribunal was actually "made in the USA". Once Djukich and his aide reached the public trial stage they were given an "amicus curiae" Dutch lawyer. When he became obviously "amicus" of the judges and not of the defendants, he was replaced by a Serb attorney, who immediately advised non-cooperation with the Tribunal.

In order to keep the officers on hand in prison but with another aim in mind, the Prosecutor decided to transform them into "material witnesses" rather than keep them as alleged war criminals. It wanted them to implicate as war criminals other important Serbs in Bosnia and in Serbia itself. The officers were given hints of leniency by cooperating but were threatened with return to their captors if unwilling to provide the requisite information. To overcome their repeated denials of knowing personally or knowing of any certified Serb war criminals, a team of FBI agents arrived quietly at The Hague, on an arrangement secured by America's UN Ambassador. Their assignment was to "extract" through intense interrogation techniques the kind of data sought at the Tribunal. When even the FBI came out empty-handed, the two officers were put on trial as alleged or would-be war criminals. The general did not have to await sentencing. He had been in acute pain while at the Hague and he died in a Belgrade hospital virtually DOA from a generalized cancer. Neither the Tribunal as a whole nor anyone else had shown any desire to put Djukich in a local hospital but of course, the imprisonment and the grilling of an obviously dying man could not be considered a crime against humanity. That he was "innocent until proven guilty" did not even enter through the backdoor of the Tribunal. Without any evidence surfacing at the trial, the colonel was eventually released from prison (18). It was observed by the Dutch citizens who had attended the public trial that the judges frequently laughed at the accused officers and their attorney to show that no one at the Tribunal believed in their professions of innocence.

The Political Culture

Under heavy pressure from members of his own (the Republican) party, the powerful Senator Dole, and in the middle of yet another media blitz against the Serbs, President Clinton needed to deflect the constant sniping at him over Bosnia. Hard line action was the answer and thus he rejected the Owen-Vance peace plan (19), unpopular in Washington but actually accepted at Lisbon in 1993 by all the co-belligerents in former Yugoslavia. Opposition was voiced on ostensibly moral grounds. It was better to let the bloodshed go on than "reward aggression." Only here the non-sequitur came in. The Serbs had originally

lines of "ethnic demarcation." As even Warren Zimmermann (who helped scuttle the Lisbon Agreement) admits in his new book, the Owen-Vance plan gave the Serbs just 43 percent of the former Yugoslav Republic's landmass or quite a drop (20). It hardly rewarded "aggression," a much abused and inaccurate term that hardly fits the local realities (21). Moreover, under the Owen-Vance plan, which partitioned Bosnia de facto, the Bosnian Muslims were getting most of the minerals, most of the industries, most of the townships and some of the most fertile fields in Bosnia, providing yet another reason why they accepted the peace plan. The Clinton Administration did not think that stopping the war was in the "national interest" because the "West" (U.S. needed to save NATO for two purposes much higher than peace in Bosnia. One was to be able to use NATO as a cosmetic cover for U.S. air power internationally. The other represented a more strategic thinking, to eventually bring NATO to the borders of the former Soviet Union and thus contain Russia in the event of its re-emergence as an imperial power. For the time being the value of Bosnia was in its war.

It was roughly at this point that the UN Tribunal seemed to offer all kinds of rewards, which no one could ever come to understand as another form of aggression against the Serbs. By constantly accusing the Serbs in public, the Tribunal would take some of the steam out of the President's home critics. It would gratify a host of vocal intellectuals at home and abroad, men and women who could not see let alone stomach any fact or truth even remotely favoring or exculpating the Serbs, and whose obsessive hatred had transformed the Serbs into a nation of neo-Nazi thugs, political caricatures with great potential for large-scale harm. The Tribunal could also not fail to please the Muslim countries by perpetuating the Serbs as aggressors and the Bosnian Muslims as victims despite the changes on the ground inside Bosnia, especially since 1995. Two top aides to the National Security Adviser perceived some additional benefits deriving from the Tribunal. Against the lessons of local history, they persuaded themselves that U.S. efforts to achieve a lasting peace in the Middle East would be enhanced by feeding the hapless, inconsequential Serbs into the political shredding machine called the "Hague Tribunal." To top it all, by helping the human rights Serbophobes, the Tribunal would "dissolve" the Serbs as victims and make it virtually impossible to indict anyone except the Serbs for war crimes committed during the last five years.

One of the most acute by-products of the Hague Tribunal and the Djukich Affair, against the background of these foreign and domestic policies, is the light they shed on an emerging, perhaps already established political culture which is asserting itself most clearly in the Balkans, a region of no vital interest to the United States, one devoid of any significant military power. Since the late 1980's, an entire class of strategists and global thinkers, some more astute than others, have come into America's public view through a common link. They all have had the same basic message for the Executive Branch: the U.S. is now the sole super-Power, its might makes it invariably right, both NATO and the UN must bend to the will of U.S. Administrations, the U.S. can and should routinely play dirty given the mondo cane around it but always have on hand one or more moral justifications with which to manipulate, not external enemies (or friends) but public opinion at home. The most succinct and clearest expression of this message was an essay by the National Security Adviser, Anthony Lake, published in the New York Times (op-ed. 23.9.94). Viewing the world as divided between a moiety of good and a moiety of bad societies, he sees the U.S. global mission as a concerted and structured drive to bring the bad societies into the good moiety. To this noble end, the U.S. has the might and the moral authority to do just about what it desires, when it so wishes, and wherever it so pleases. Those bad Bosnian Serb alleged nationalists and hard-liners can be bombed for weeks by NATO. The U.S. will take precedence over their feelings and right to self-determination, it decrees for whom the Bosnian Serbs may not vote, where they should live and with whom, how they must behave and when their leaders should be smeared and smeared again, in what still passes as a free press at home. If the Spanish Civil War was a testing ground for two ideologies striving to

dominate the world, the Bosnian civil war is the clearest attempt to impose a U.S.-dominated political order on defiant nationalism (22), not via the Social Sciences, as George Soros would have it, but through a combination of crippling sanctions that punish the weakest and hi-tech pulverization, with slight risk to the U.S. military (a sort of killing by "immaculate conception" which is never called a war crime) and "minimal collateral damage" as testimony to residual humane feelings at 30,000 feet. This is the real battlefield for the political culture now in the saddle in Washington. U.S. experience in Vietnam has turned deception into both an art form and a science (something that Goethe did not anticipate when he said that "he who has art has science too") practiced paradoxically by an Administration whose participants, with one or two exceptions, never wanted to be even close to the battlefields of Nam.

The political culture now in the saddle cannot exist and thrive without constantly manipulating home public opinion, even when deceptions are not necessary at all. As it comes into full view in the Balkans, it explains why our Generals-for-hire (23) can disclaim any connection with the CIA and the Pentagon while training the 100,000-strong Croat army openly preparing to attack and expel the Serbs of Krajina, some 200,000 ("who had it coming") sub-humans from a once unoccupied border and in which the Serbs became its original inhabitants. As the Croat army amassed its heavy guns pointed at Knin, Krajina's main town, during several weeks, the top U.S. general on hand expressed "utter astonishment" at the attack and the subsequent cleansing. The dominant political culture explains why the National Security Adviser and the U.S. Ambassador to the UN gave the green-light to Croatia to go and take Krajina (24). As the saying went, "one less problem for us to solve." It explains how it is possible for the U.S. government officials who had occupied the loftiest moral ground in sustained and cultivated indignation over the ethnic cleansing attributed to the Serbs to turn their "Teflon" backs on the mass of fleeing humanity because it was composed of Serbs. The ethnic cleansing of Krajina in the summer of 1995 was of such magnitude that it could not be immediately eliminated from public view in America. It came as an unpleasant contradiction to many American viewers accustomed to see only Serbian-made horrors on their screens, whether accurately reported or not. President Clinton did receive a request to distance himself from his cabinet members who gave the green light to the Croatian army to take Krajina (25). He would not do even that much. Instead, it was "damage control times," as his Ambassador to the UN Madeleine Albright displayed somewhat dated CIA aerial photographs which revealed a freshly dug and rather large field near Srebrenica. By juxtaposing an undoubtedly false figure of 8,000 "missing" Bosnian Muslim men (the claim came from Sarajevo) nothing more needed to be said.

"Mass" grave is one the most charged terms in the English language as it brings back pictorial images taken at the end of WW II and immediately revives memories of the Holocaust. There is one basic difference between the mass graves of the Nazis and those

before the Serbs took Srebrenica, a U.N.-designated "safe zone," its Bosnian (Muslim) government forces routinely raided the rural Serbs in the surrounding countryside, committing all kinds of war crimes without any fear that the TV screens of the outside world could be even a silent witness. Nonetheless, a glimpse of this routinized war crime did manage to "get out" via a source that went to Srebrenica, which can be called impartial. A Toronto Star reporter (26) gave an intimate account of his meeting with Nasir Oric, commander of the Bosnian Muslim forces in the "safe zone" of Srebrenica, before its fall to the Serbs. Oric proudly showed him a video-tape of bestial war crimes committed by his men who had destroyed some 200 Serb villages around the town, raiding mostly at night (27). Oric has never been indicted by the Tribunal. As many of the Serb soldiers who took Srebrenica came from the surrounding villages, it would have taken superhuman iron discipline to show much mercy to any adult Bosnian Muslim male. The reason why all the sides to the civil war in ex-Yugoslavia segregated men from women and children is the nature of combatants in a civil conflict since it is easy to switch from soldier to civilian and vice-versa. All of this does not justify the vengeance killings of male prisoners or of unarmed men in flight, but it does indicate what the assorted Western Serbophobes constantly blot out. There are no saints in civil wars, only sinners. The real aggressors are men with guns and the real victims are unarmed.

Following the third and last market-place massacre at Sarajevo, the Clinton Administration moved quickly to suppress and make secret for a longtime to come a UN field report which placed the blame for this amply televised and bloody act squarely on the Bosnian Muslims. Instead, the Serbs were pronounced "guilty" within hours by the NATO commanders who then promptly launched air attacks on the Bosnian Serb positions, both around Sarajevo and throughout Serb-held parts of Bosnia. It was as if the massacre and the rapidly unleashed NATO air raids had been coordinated beforehand. Perhaps they were and possibly not, the rapidity and the coincidence provide only a circumstantial probability. What is beyond speculation, the ensuing weeks of heavy NATO raids in Bosnia saved this purely defensive inter-Western alliance from being a less than useful relic of the Cold War, with nowhere to go (28).

What is equally beyond speculation, the deceptions moved in with great speed. The NATO strikes were immediately pronounced as a success, especially because they silenced the Serb guns around Sarajevo. The truth happens to be that Serb commanders moved the heavy guns constantly to avoid destruction and the reason why the guns become silent is the fact that Belgrade intervened and had them moved out of Sarajevo's range. The egg was washed off NATO's face for depending on air power and forgetting an old military tenet that still holds: you cannot win wars without the foot soldier. The next deception came with minimal "collateral damage" claims. Several hundred Serb civilians were killed and as many wounded but, given the long-lasting and intense bombings and strafing, that deception was obviously a minor one. The biggest and most blatant deception was that the NATO strikes against the Bosnian Serbs were meant to bring them to the negotiating table. Anyone who had followed to any extent let alone closely, the evolution of conflict in Bosnia knew that its Serbs had been asking to negotiate for almost a year before the raids. The Clinton Administration rejected their requests as unacceptable because "the West" would not accept the partition percentages of territory proposed by the Serbs but advanced its own on a take-it-or-leave-it basis. Behind this persistent rejection lay the opposition of Bosnian Muslims, who would not be persuaded to negotiate, except under one condition. The U.S. (through NATO) must provide and demonstrate an iron-clad assurance that its air power would be virtually in the pocket of the Bosnian government. This is the reason for the full-scale NATO intervention from the air. It is not generally known, even among the more knowledgeable followers of local events, that several of the NATO strikes were directed by none other than Rasim Delic. Commander of all the Bosnian government forces. The "Djukich Affair" has

sympathizers, a less certain area, open to mistakes. When a foreign connection required the local presence of FBI agents they were sent abroad. In the post-Cold War era the FBI's field has been extended to industrial espionage and especially to monitoring, preventing and investigating suspected acts of terrorism against American targets at home and abroad. The recent opening of FBI offices in Europe responds to these new missions. A FBI team was sent to Saudi Arabia, following the death of 19 American soldiers from a terrorist bomb, in yet another use of the Bureau's technical skills. It is clear that a democracy cannot tolerate using the FBI as a political police. But there are ominous signs of changes for the worse. In the most unusual use yet of the FBI, one of its teams was given an ex-post-facto task by a UN Tribunal of trying to implicate any other important Serbs for war crimes by extracting damaging information through intense interrogations of the two detained Bosnian Serb officers. The officers could really not be charged for anything relating to war crimes. They were kept illegally in a Dutch jail. When even the FBI failed to produce the desired result, the Tribunal's Prosecutor put the officers on trial anyway. Far from being even remotely connected with terrorism against American targets, their only crime was that they were ethnic Serbs. The reigning political culture is also addicted to cruelty. The forced FBI grilling of a Serb general in pain as he was being executed by cancer can bring no glory to one of the most respected law-enforcement agencies in the United States. All the way up the line, President Clinton professes great humanitarian feelings for the elderly and the children who need to be protected at home. Abroad, he imposes brutal economic sanctions, which harm

most the elderly and the children of Serbia while failing to dislodge an undesired head of state. Suicide rates for the elderly and infant mortality rates for the children in Serbia skyrocketed in the sanction years. The attempts of American citizens to send the simplest of medicines to their relatives in Serbia were blocked by the U.S. postal authorities. Hundreds of individuals, across the U.S., who wanted to read regularly Serbian-language newspapers printed not in Belgrade but in Germany could no longer obtain copies on this side of the Atlantic. The Director of the American Red Cross, Elizabeth Dole, Harvard Law school graduate and spouse of Senator Robert Dole, denied aid to the children of Serbia because all Serbs were defined as "aggressors". This was done while American Red Cross trucks took medicines and baby food to the children of Muslims in Bosnia from the Serb capital of Belgrade. It is often the smallest, most obscure incident that brings out the sheer bloody-mindedness of the now-dominant political culture. A Serbian civil engineer working in Baghdad suffered a massive stroke. The Iraqis placed an aircraft at his disposal to fly him to Belgrade but the American Delegate to the Iraq Sanctions Committee refused permission. The engineer and his spouse were then driven across over one thousand miles of scorching desert to fly him out of Jordan. He died on the way in excruciating agony.

The Media and History

The American press, which prides itself on being absolutely free, has imprisoned itself in the domain of foreign policy matters both as a component and servant of the ruling political culture. Hundreds of letters from informed individuals, sent over the last six years to the most prominent newspapers in America, have been suppressed by their Editors because they either defended the Serbs or sought to counter the blatant inaccuracies and propaganda against the Serbs (29). The letters came from both Serb-Americans and others. The Editors also routinely truncated field reports from ex-Yugoslavia to expurgate anything that might favor the Serbs, and if this could not be completely attained, managed to tuck the favorable datum into the near-bottom of a printed text. To be sure, a few letters "for the Serbs" were allowed into print (at times mauled to assert the "right" of editorial abridgment) to suggest that fair play was at work but, more often than not, such an occasional "break-through" was offset by responses that went right on demonizing the Serbs in the fashion prevalent in the press anyway. Just recently the American public has been told, in the very same leading

- foreign areas. In return, they printed what the CIA wanted them to print, refrained from printing what the 'spooks' did not wish to be revealed and, in the rare cases of some disagreement fell back upon the "national interest" as defined by the political culture.

The Hague Tribunal, was, for all practical purposes, sired by the same political culture but here the avenue selected for its expression happens to be Law. The two are mutually exclusive and antithetical. The American legal system derives from the Anglo-Saxon common law. An accused person is deemed innocent until proven guilty in a court of law. The burden of proof is on the accuser and its weight escalates with the crime's severity. An accused person and the person's attorney must have access to the accusatory texts, must have the right to confront accusers and witnesses alike, along with the right for rebuttals. Although the Tribunal's formal stance is to adhere to the Anglo-Saxon model, the model itself has been roundly circumvented and violated, moving closer to the Roman Law in which the burden of proving one's innocence rests on the accused. The "Djukich Affair" has stripped the Anglo-Saxon mask from the Roman Law mentality at the Tribunal for, if by some major miracle, the Tribunal could become a real court of Anglo-Saxon common law, it would have to play havoc with the entire patchwork of deceptions and blunders called the Administration's "Bosnia Policy." In such an event it would have had to indict already the military and civilian leaders of all the co-belligerents of ex-Yugoslavia while the U.S. government would have been left without anyone to talk to. Even some of the U.S. officials would not be exempt, at least from the accusation of complicity in crimes against humanity in the former Yugoslavia.

Is there anything in history to provide guidance in respect to America's involvement in punishing the Serbs? Decidedly, there is. In the course of this century the Serbs have been punished three times from the outside and twice from the inside of Yugoslavia after 1921 (then the Kingdom of Serbs, Croats and Slovenes). In the process, the Serbs paid a variety of often very heavy prices but, what is really striking, all five cases ended in disasters of one kind or another, strongly suggesting that there might exist in history a pattern of unintended consequences. The first external punishment of the Serbs came from Austria (1914). It had a good excuse. A Serb nationalist student (Gavrilo Princip) shot and killed the heir to Austria's throne and Serbia was immediately given a 10-point ultimatum. To Austria's surprise, the Serbs accepted nine out of ten demands in a somewhat vague language but Austria went to war just the same. The first invasion of Serbia ended in a humiliating defeat of Austria's army. A second invasion achieved a brief occupation of Belgrade but was repulsed with heavy loss of lives on both sides. This led to the German intervention and Russian mobilization and the rest, as the saying goes, is history, destroying an entire generation in a host of countries and changing the world forever.

Twenty-seven years later it was Adolf Hitler's turn to punish the Serbs, a proud, populist and in crises often insolent people. Hitler was particularly mad at the Serbs for nullifying the Yugoslav-German pact of 25th March 1941 just two days later as the Serbs overthrew the Regency and put their young king on the throne. The little Balkan side-show of Hitler's military machine retarded the German attack on Russia by three crucial months as the Nazi divisions got stuck in the Russian Winter and lost a war they could otherwise have won, according to the testimony of some very able German army generals as well as having been stated Hitler himself. The German occupation of Yugoslavia also led to its disintegration, setting a precedent for the future, which is being witnessed today. Another seven years later (1948), it was Stalin's turn to punish Tito and the Serbs. Apart from Tito (a Croat) the Serb Communists controlled the army, intelligence and the secret police (OZNA). They blocked Stalin's attempts to take over in all three areas so Stalin expelled Tito and Yugoslavia from the Comintern in 1948. What Stalin did not know at the time, this expulsion led to the polycentric, essentially nationalist domination of Communism which greatly assisted the U.S. policy of containment until the whole decaying system came down with the Berlin Wall.

Although the list of particulars is a long one, the two internal punishments can be

summarized as follows. Croat Nazis, installed by Hitler at Zagreb and given Bosnia as a gift for loyalty, did not know that Croatia would go under Communist rule for 45 years as a result of their genocidal policy against the Serbs. This is necessarily the case because Tito and a handful of Serb, Croat and Slovene Communists with him in the mountains would have amounted to nothing without their Partisan troops. Ninety percent of the Partisans were Serbs fleeing the Croat pogroms. They knew nothing of Communism but, once organized, they could fight and, with misguided Allied help after 1943, they could come to power in Yugoslavia. Tito also punished the Serbs of Serbia for blocking a Communist takeover. He industrialized Slovenia, Croatia and Bosnia but not Serbia. He gave autonomy to the Serbian provinces of Vojvodina and Kosovo. At Kosovo, he deliberately allowed a flood of Albanian economic migrants to gradually displace the Serbs in an area where culture, religion and state came together as the birthplace of the Serbs. The tragedy of Kosovo is not yet over as the CIA and the Pentagon have been ordered to prepare its future. It will not be long in coming. It is also certain that without having been continuously pushed down and punished by Tito, the Serbs would not have had any need to resurrect nationalism after his death. Whether or not Yugoslavia would have disintegrated anyway is an interesting question (30) but at least neither the Slovenes nor the Croats (whose own nationalism has been the most virulent) could come to float the disingenuous myth that Yugoslavia broke up because of Serb nationalism. The civil war could have been avoided altogether at any rate.

"Mission Civilisatrice"

After years of labor, three U.S. public relations firms succeeded in an unprecedented way in globalizing an essentially local hatred (31). There have been some dozen media blitzes of various durations and intensities against the Serbs through the 1990s. Eventually, the Clinton Administration yielded to the pressure and joined the ranks of Serb "punishers." The U.S. slapped crippling economic sanctions on the Serbs, it bombed the Bosnian Serbs for weeks, it resurrected the old Nazi alliance between the Croats and Bosnian Muslims but no longer with the same political orientation, it helped both with battlefield victories over the Serbs, it got implicated in the largest ethnic cleansing of the civil war, in the Krajina, it got the Hague Tribunal to go almost entirely after the Serbs, it threatened mayhem if the Serbs - all of them - did not sign and agree to abide by the accords drafted in Washington, and it is at this moment getting ready to impose its will again in Kosovo and Albania. It could be said that the Clinton Administration has developed a "Titanic mentality" in dealing with the Serbs as they can do nothing to threaten the United States. The question poses itself: will the U.S. toughness with the Serbs also enter at some point into yet another disaster or disasters or will the external "disciplining" and punishment of the Serbs fail to follow what seems to be a pattern of unintended consequences?

Can the U.S. really defeat the pattern and avoid some disaster as result of its entrance into the ex-Yugoslav tragedy? If it "wins" in Bosnia, the Clinton Administration will conclude that the new political culture gives international confirmation that might always makes right so that the world will be "re-invented" to America's liking. What was done in Bosnia and the rest of the old Yugoslavia can be done elsewhere, as the U.S. reserves the right to select its targets for "necessary improvements." This will gain even more strength in the second term because of one feature that absolutely defines the American Liberals. They sincerely believe they possess a monopoly on both rationalism and reasoning higher than anyone else's and this underpins the philosophical base of the dominant political culture. It cannot be stressed often enough that the "Bosnian dimension" will serve to add impetus to U.S. meddling in ethno-religious conflicts to impose "civilized behavior" (the old French idea of Mission Civilisatrice) worked out in the U.S. policy-rooms and think-tanks and coupled with forceful posturing and a glaring obsession with "leadership" In turn, this will make it certain that America and Americans become the favorite targets of terrorist lunatics, obsessive haters and nationalist avengers from every corner of the planet earth as the pulsating political culture simply eggs them on. Curiously, sight is lost of the fact that virtually everywhere people readily perceive the relationship between economic well-being and

Democracy without a need to violate their cultures or impose foreign wills and solutions to local problems. In the realm of material culture, most of the world is either already "Americanized" or in the process of becoming so. If, on the other hand, the Clinton Administration suffers a perceived setback in Bosnia (and it could come in several shapes) the first unintended consequence could not be long in coming. Where all the Christian Slavs and Greeks had shed rivers of blood over some four centuries to prevent a Balkan-based militant Muslim State, the sociologically-oriented American policy engineers have managed to launch one in just four years (32). Unless American power and wealth are permanently committed Bosnia has no future as something that it has never ever really been, an independent "unitary state." Unless the Serbs and the Croats partition Bosnia, allowing the Bosnian Muslims only the choice of becoming minorities on either side, the U.S. will not be able to control the feelings of Bosnian Muslims anymore than it has been able to control those of Bosnian Serbs and Bosnian Croats. A tripartite division of Bosnia will establish the first Muslim State. It will not take years for the Bosnian Muslims to adopt the Shari'a and turn backwards to the teachings of Al-Ghazali (d. 1111) while making a lasting alliance with his Iranian spiritual descendants, the Ayatollahs, and their Mujahadeen Islamic brooms. Arming such a state with \$96,000,000 of U.S. military hardware would be a foregone prescription for Europe's most troublesome future, which is why European states have opposed the arming policy. It is equally possible that the vacillating, historically uninformed and deceptive U.S. performance in ex-Yugoslavia (whether it looks like a "winner" or "loser") will leave another adverse affect As the Clinton Administration tries "to lead the world" the Bosnia caper will persuade Western Europe, Japan, and possibly China and Russia, to create yet another New World in which plans and decisions made in Washington will often be treated as a joke. This could lead to the problems of "character" and even more "credibility" followed by an ugly chain of reactions that no one really wanted, a sort of Third World War not fought with weapons of physical destruction.

An even greater danger comes from within the American landscape as the anti-immigrant feelings, even against legal alien residents are already reflected in legislation, as a billion dollar expenditure is proposed to greatly expand the FBI (with a focus on terrorism) and as signs of possible "Balkanization" appear on the horizon. Revived and newly-contrived ethno-nationalist groupings, various separatists, dis-trusted and maligned national origins and an ever growing number of defiant minorities which have nothing to do with ethnicity, to say nothing of a larger polarization of the young and the old, the affluent and the underclass, White and Black racists, "patriotic militias" and religious bigots, terrorists made in the USA, anti-abortion fanatics and humanitarians full of hate-all or some have already resonated in one of the U.S. Congress most interesting intellects, Newt Gingrich. Leaving aside the neo-Victorian nostalgia for which he has been roundly attacked, he is trying to hold onto an America society, rooted in the Anglo-Saxon Common Law with English as its official language (33)

As for the "technical" attempts to internationalize an essentially civil war, one would have to be blind not to see that next-door neighbors, long-time friends and even relatives maimed and killed one another in moments when reason became the first criminally assaulted victim, as everyone spoke the same language. With over one third of the Bosnia's population having been Serb Orthodox (33%), another 8% regarding themselves as Yugoslavs, and still another 14% wishing to be a part of Croatia, the international recognition of Bosnia as a unitary state under the predominantly Muslim government was a good (?) intention on the road to Hell. Thus, the Hague Tribunal has no real precedent. Unless everyone abandons reason, it should not be allowed to become a precedent or anybody's future model. In its present structure, composition, lack of political independence, and practices it is planting the

sane person would wish for.

What has made America both unique and admirable is the ability to welcome legal alien residents representing the most disparate ethnic groups and English-language accents and, in just a few years, turn them into American citizens with a facility that exists nowhere else. At the same time, assimilation into American society has never been predicated on the "requirement" that old-country languages and culturally attractive carryovers be expurgated from the family home, rich or poor. Nor has the American brand of assimilation ever demanded that anyone shed a kind feeling for his or her ethnicity, "old country" or religion. Woodrow Wilson expressed this most succinctly when he told the Serb-American inventor Nikola Tesla that "a good Serb is a good American." Cases of protracted and widespread ethnic hate-mongering are relatively rare as the multi-ethnic American people have generally come to believe that no ethnicity, at home or abroad, is inherently evil because some of its members commit egregious crimes. The most glaring exception has been the maligning and the treatment accorded to the Japanese-Americans, Issei and Nissei, who were virtually dispossessed and placed in detention camps while their sons fought against the Japanese in WW II with distinction for bravery. Nothing could be more lethal for the future of America as one of man's noblest experiments in co-habitation than ethnic hate-mongering and defaming of the type applied to the Serbs during the last seven years. Even Daniel Webster, in his famous tale, could beat the Devil in Satan's own "court of law" because he was an American citizen.

In the aftermath of the World Trade Center terrorist bombing, the media at once placed "the Serbs" on top of the list of suspects. Had it not been for the fast work of the FBI it is almost certain that Americans of Serb origin would come to suffer all sorts of unpleasant experiences without being even distantly connected with this act of terrorism. It can be reported that even before this event the years of media demonizing have already had an adverse effect on Serb-Americans none of whom has any connection with war crimes in the former "old country." Avoidance at workplace and even the grocery store, snide remarks and outright insults, personal torment and despair among the elderly and less educated Americans who can hardly bear the repeated assaults on the Serbs, their original ethnicity, this much has already been around. Educated Serb-Americans are mostly angry at the media for blocking their communications in attempts to inform the American public about the many aspects that it never comes to see, hear or read (34). As for the Clinton Administration, it has been receiving for years extremely well-informed texts from several eminent Serb-Americans seeking to persuade the President to stand openly against the frequent Serbophobic attacks, bigotry and anti-Serb propaganda, to look at the historical contexts and avoid punishing the Serbs in order to gratify domestic hate-mongers. In return, they received the thank-you note from "Bill" Clinton, thanking them for their interest and advising them that he is "working very hard" to attain lasting peace in Bosnia. Considering the sustained quality of the texts sent to the White House, such a note could only be read as an indirect insult. It has become almost a banality to say that the only thing learned from history is that nothing is really learned from it. One can only hope that in punishing the Serbs, yesterday, today and tomorrow at Kosovo, America's reigning political culture can be induced to recall that the unsinkable Titanic fell prey to a block of ice.

1. First Annual Report of the International Tribunal for Prosecution of Persons responsible for Serious Violations of International Humanitarian Law committed in the territory of the former Yugoslavia since 1991, 53 pp. 49/342 - S/ I 994/ 1009, 8 16. 1 994. See also Dossier special in Dialogue (Paris): 18, 1996; and Srdja Trifkovic, The Hague Tribunal: Dubious Justice, Bad Politics, in Dialogue (Paris): 19, 1996.

2. IDN Press and Information Office release on the composition of the Tribunal 2. 1. 3. 1995

40 p. shows the nationalities of 8 judges in two chambers.

3. The ethnic cleansing of western Slavonia was virtually unreported in the Western media but the starting point would be the Misha Glenny piece on the "Massacre of Yugoslavia", the New York Review, 01.30.1992 and the report by Yigal Chagan in The Guardian, 08.17.1992, and the Politika text above. All deal with the earliest phase of the event. The most important repository of documentation on western Slavonia between April/May 1991 and mid-1992 is in Belgrade's Museum of Applied Arts. There are some valuable unpublished papers that need to be brought together. Local newspapers, especially Borba, for the period are strong source. Sooner or later, a major work will be in print with devastating documentation. Just how little has been done to examine this period closely emerges from the letter written by Desa Tomasevic, Director of the American Serbian Women's Caucus to Senator Richard Lugar, Chair of the European Affairs Senate Foreign Relations Committee, dated July 14th 1995, reported here. "In connection with the most recent developments in Bosnia and Croatia, our organization would like to pose the following questions to your Committee, which is responsible for the evens in the former Yugoslav Republics. Since we did not receive any response from your Committee to our letter of May 5, 1995, concerning the aftermath of Croatian attack on Western Slavonia, we would like to repeat our questions to you personally:

- (1). Where were the UN and the US representatives and the media in May, when the Croatian military performed its ethnic cleansing in Pakrac, Okucani and other Serbian settlements in the area?
- (2). What happened to the Serbian children from this area who are still missing?
- (3). What happened to the Serbian refugees from this area, bombed by the Croatian planes?
- (4). What happened to the Serbian young men from this area caught by the Croatian forces?
- (5). What happened to the Serbian dead in this area?
- (6). Why were the UN and Red Cross representatives forbidden for weeks to enter the area?
- (7). Was it because the Croatian government would not allow them to record and report the truth about massacre of Serbian civilians?
- (8). Why is it taking so long to provide answers to the inquiries made by the Serbs to media, the United Nations, Red Cross and the governments of the Contact Group? Today, all of them are posing similar questions in the aftermath of the fall of Srebrenica and the experiences of the Muslim population of Bosnia.
- (9). Why is the Contact group refusing to tail directly to Bosnia's Serbs? Until Israel opened direct talks with Arafat, no mutual accommodations were possible.
- (10). Why are you taking sides in this human catastrophe in which all parties are victims and victimizers? As long as our government is taking sides, it will be responsible for further bloodshed. Please read the enclosed to gain a perspective which may help you personally to discharge your responsibility justly".

4. The early phase of this massive ethnic cleansing, destruction and atrocities included, was summarized in "Repetition of a Crime: the Persecution of Serbs in Western Slavonia", Politika, Belgrade, 9.15. 1991. The article includes a map inset showing the 18 burned-down villages and a concentration camp at Suhopolje. The general area was that of Grasko Polje.

5. Extensive details can be found in Edmond Paris' scholarly work Genocide in Satellite Croatia, 1941 -1945, A Record of Racial and Religious Persecutions and Massacres, (translated from French by Lois Perkins), English Edition, Chicago, 1961; and in Martyrdom of the Serbs, a compilation of United Nations documents and eyewitness accounts, published in the mid- 1940s, in Chicago, by the Serbian Eastern Orthodox Diocese for the U.S. and Canada.

6. See Alfred Lipson's *The Roots of Ethnic Violence and Civil War in Yugoslavia*, Together, October 1991. The Serb commander was "Arkan" (Zeljko Raznatovic).

7. The Spanish philosopher Carlos Paris put it this way in *El Mundo* (2. 19.1 1993): there was an ongoing orchestrated campaign to satanize the Serbs and blame them for "all the atrocities in the Balkans"; most of the Western press elevated this artificial perception into a doctrine that must be adhered to in order to induce a military operation against the Serbs as an "absolute evil" and stop the bloodshed by force. He added that behind the "crocodile tears" shed by the world at large over the Yugoslav drama there was a "complex web of interests" involving the New World Order. See also Alexander Cockburn's "hating Serbs is fun", *The Nation* (10. 16. 1995). But the most penetrating and poignant statement came from the German historian K. Monzel (University of Saarbrueken) in the *Zeit* (3. 14. 1993) reproduced here in English translation:

Never since World War II have the Germans been so united in their hostility as they are now against the Serbs. It is curious that politicians and commentators of both the Right and the Left are equally determined to see in Belgrade the only culprit for the Balkan war. It is noteworthy that some of them qualify the Serbs as Communists while the others, with equal conviction, label them as Fascists. Is this hostility towards Serbia based only on moral grounds or does it have some other room as well? It is possible that the long suppressed German anger against the Soviet Union has now been automatically redirected toward Serbia, as nominally the sole remaining "Socialist country" with the Serbs perceived as the last Bolsheviks.

The German animosity against the Serbs is perhaps further explained by the historical rivalry between Germany and Serbia. In the eve of the World War One Germany viewed this Balkan country simply as a trouble-maker. Serbs fought against the Germans in World War II as well.

Now the Germans have sided with their former Croat and Muslim allies. The claim that they are essentially more moderate than the Serbs is absolutely unsubstantiated. The Swiss *Neue Zeitung* of 15th October 1992 reported on the "Horrors Committed by all the belligerents in the Devil's Circle of Hell". German reporting on this matter is certainly unbalanced. At the end of August 1992 a map of Bosnia appeared showing, in addition to 13 Serbian prisoner camps, another 7 held by the Bosnian forces. No one thought of what was happening within them.

Some German positions are obviously based on the view that Serbs are in pursuit of an essentially incomprehensible, senseless regional imperialism. One magazine even expressed fear that Serbia will eventually attack Turkey as well... but this is not true. The truth of the matter is that the Serbs are going through a profound crisis, which is delineating and, at the same time, exacerbating the Balkan war. For over a century and a half they have considered themselves "The Central Nation" of the Balkans... Numerous historians recognized this role for the Serbs. It is hardly an accident that Leopold Ranke devoted one of his studies to the Serbs.

Today, Serbs are threatened with nothing less than the loss of their special place in the Balkans. This is also because of their ambiguous attitude towards the present-day world. The Serbs have lost their authenticity, their peasant-like character, without having acquired a new one. They consider modern civilization as a threat, and obviously do not know how to

Serbia is a cornerstone of any acceptable order in the Balkans. Therefore it must not be allowed to fall. To quote Ranke, "Serbia also plays a role in the world plan".

8. The charges and names can be found in the pp. 1-32 (second section) and pp. 19-22 (mid section under "Indictments"). Press and Information Office release (ICT), dated 2.13.1995.

9. A list of the documents submitted can be found in *Alternative Yugoslav Tribunal* (Belgrade, 1995, pp. 167-194), by Dr. M. Bulajic.

10. See "Managing the Information of Ethnic Cleansing", by Terry Sullivan, *DePaul University Magazine*, Spring 1994.

11. Srdja Trifkovic, "The Hague Tribunal - Bad Justice, Worse Politics", *Chronicles*, August 1996, C. D. Lummis, "Time to Watch the Watchers", *The Nation* (9.26.1994).

12. This letter was penned by the present writer.

13. Alfred P. Rubin, "An International Tribunal for former Yugoslavia?", *Pace University School of Law, International Law Review*, VI/1 (Winter 1994), pp. 7-17, Ruth Wedgewood, "War Crimes in the former Yugoslavia - Comments on the International War Crimes Tribunal", *Virginia Journal of International Law*, XXXIV/2 (Winter 1994).

14. Madeleine Albright has reiterated her key role in the initial funding and staffing of the Hague Tribunal several times, along with her dislike of the Serbs. Interviews with her have appeared in such Serbo-Croat language magazines as *Intervju* and *NIN*, an interview with Paul Jankovich about years when her family lived in Belgrade, in *Politika* 6. March, 1994; see also the *New York Times* ("Albright makes her UN post a Focal Point", by Barbara Crossette), in the *Washington Times* ("Albright cites 'moral imperative' for Bosnia Mission" by Catherine Toups), and in the *Wall Street Journal* (10.12.1994, by Geraldine Brooks). In his critical review of "Will the US destroy the UN", *Strategic Policy*, June-July 1996, Gregory Copley finds her to be a negative influence and suggests that her dislike of the Serbs derives from her distant past.

15. A visiting Serb-American happened to have been in the office of Slobodan Milosevic when the Public Relations firm representative (from Ruder Finn) made the offer. Upon rejection, he went to Zagreb and later represented Croatia with stunning success from the PR point of view.

16. Peter Brock has aptly coined this "media cleansing". See his "Dateline Yugoslavia-The Partisan Press", *Foreign Policy*, No 93 (Winter 1993-94), pp. 152-172.

17. To provide just one concrete example, a reputable American TV news program which carried an unsubstantiated and untenable report on alleged "mass rapes" by Serbs in Bosnia received a long, detailed letter by the present writer correcting the gross and incompetent distortions. Needless to say, nothing was done to set the record straight.

18. He was returned to Sarajevo. The Dutch prison has been called the "UN Detention Center".
19. Ch. Reese, "Clinton's Foreign Policy Blunder", *Conservative Chronicle*, 9. 1. 1993. The definitive word on the Owen-Vance or Vance-Owen peace plan is in David Owen's valuable *Balkan Odyssey*, 1995, pp. 89-149 passim thereafter.
20. In his "Bosnian Policy at odds with History", Stefan Halper places the main blame for the collapse of the Lisbon Agreement on Warren Zimmermann himself, *Washington Times*, 9. 7. 1995.
21. An unusual discussion of aggression can be read in Bogoljub Kochovich's "Agresseurs et Agressees", *Lettres in Dialogue*, nos. 2/3 (September 1992). See also Dimitri K. Simes' "Stay out of the civil wars" (in ex-Yugoslavia), *N Y Newsday*, 7 June 1995.
22. Read Joan Phillips' two texts "Cleansing the West's Dirty War", *Living Marxism*, September 1995, and "America's Balkan Intrigue", *Living Marxism*, October 1993.
23. See the Associated Press report of November 1995 (printed in the *Oakland tribune inter alia*) "Generals for Hire - Retired Generals sell their know-how".
24. Croatia's Foreign Minister openly stated in an interview that the US advised its army on how to attack Krajina's Serbs and tacitly approved the attack itself. The *New York Times* identified National Security Advisor Anthony Lake and Madeleine K. Albright as the officials who gave Croatia the green light to attack in spite of the Pentagon's warning that it would end-up in ethnic cleansing of the Serb population. See. *Washington Times*, August 6, 1995.
25. R. Kent to President William I. Clinton, Letter, 12. 8. 1995.
26. A reporter from the *Christian Science Monitor* has seen the same evidence.
27. Bill Schiller, "Fearsome Muslim Warlords eludes Bosnian Serb Forces", report from Belgrade, 9. 16. 1995, printed in the text by SAVA (Serbian-American Voter Alliance), 26. 7. 1995.
28. See Michael Evans, "NATO struggles to win credibility", *The Times*, 2.21. 1994, "Bed-ridden Boris saved NATO's Skin in secret talks", *The Sunday Times*, 2. 20. 1994, being a joint report from Sarajevo (Colin Smith), Moscow (Matthew Campbell), Washington (James Adams), and London (Marie Colvin).

Negovan Rajic, "Misinformation and Collective Psychosis", unpublished paper; Nik Gowing, "Is Television Driving Foreign Policy", *Independent*, 3 July, 1994 (examines the "something-must-be-done factor" through five cases); David Hackworth, "Television War: viewer beware", *Atlanta Journal / Atlanta Constitution*, September 1, 1995

30. Solipsistic answers have been given by Laura Silber and Allan Little in *Yugoslavia - Death of a Nation*, 1995 (in short, Milosevic did it), and Warren Zimmermann in *Origins of a Catastrophe*, 1996 (Milosevic and Tujman did it). While the greatest shortcoming of the Silber - Little book is journalistic myopia, Zimmermann is too often self-serving.

31. For a substantial work on the interaction of television and foreign policy (and not only for Bosnia) see Nik Gowing, June 1994, Harvard University working paper 94 - 1, real-time television Coverage of Armed Conflicts and Diplomatic Crises: Does it Pressure or Distort Foreign Policy Decisions, 111 pp. For specific instances of public relations successes on behalf of both Croatia and Bosnia see Jacques Merlino's *Les Verites Yougoslaves ne sont pas toutes bonnes a dire*, (Paris, 1993). There is always the question of money. Where did it all come from and how much over the years? One answer is provided in "Croatian funds to US Politicians" *Defense of Foreign Affairs Strategic Policy*, 3. 31. 1993 as follows:

The United States Congress, still reeling from a series of financial scandals involving representatives and senators, is now bracing for a new problem: the massive financial "contributions" which have been made to election funds of politicians by Croatians sources over the past two to three years. One congressional investigator told *Defense & Foreign Affairs Strategic Policy* that the donations and expenditures on Washington lobbying by the Croatians over the past two years "could well exceed \$ 50 million". Much of this came directly from Croatian lobbyists, and some from Croatian American businessmen. Croatia has built up the most effective lobbying and public relations network on Capital Hill since the days when Israel and Greek lobbies were at their peak. "Many of the campaign contributions have been recorded legally", the investigator said, "but many are questionable". But what is more important is that there has been a pervasive attempt to push the United States along a line defined by foreign powers: Croatia and Germany, and it has not been subtle. Elected officials are being told to either support the Croatian line or face either a removal of funding or are told that funding will be given to their opponents, or they are literally bribed into supporting the Croatian line. This was going on long before Croatia even made its open bid for recognition as an independent state". Much of the investigation focuses around conservative Republican elected officials.

32. There are some excellent discussions on this subject. Mervin Hiskett has produced a fine essay in "Reflections on the 'unspeakable Serb'" (Birmingham, 1994), 36 pp. especially pp. 18 - 34; Sir Alfred Sherman gives a broad five-point assessment with interesting inter-connections in "Islam's New Drive into Europe", *Jerusalem Institute for Western Defense, Bulletin VI/3* (October 1993); See also Bat Ye'or interviewed by Paul Giniewski, "The Return of Islam to Europe". She gives a penetrating analysis, *Midstream* (February - March 1994).

33. It is the thesis of Benjamin Schwarz (*Atlantic Monthly*, May 1995, pp.57- 67) that America's stability and unity hardly presented an open door to a welcomed diversity but,

hard. Citizenship in America over-rode any possibility of a rigid assimilationist code.

Contextualizing Hate

34. In several published letters the foremost American student of Yugoslavia, Professor Alex Dragnich of the Vanderbilt University has expressed both sorrow and shame of what the Clinton Administration has been doing in ex- Yugoslavia: "Clinton's action in Bosnia more evil than anything Nixon ever inflicted on us", Nashville Banner, Tennessee, 10. 16. 1995.

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III

le rechten van de mens).⁷ De
dan dat deze 'verplichtingen erga
hun aard ook tot het ius cogens
oren. Maar het Hof schuift, zon-
ar naar zijn eerdere uitspraak te
de kwestie terzijde met het argu-
vraag of een regel behoort tot
ns betrekking heeft op het rechts-
n de regel, en dat aspect van de
de adviesaanvraag van de AVVN
niet aan de orde gesteld.

r aangegeven komt het Hof niet
elijk antwoord op de vraag waar-
leidt: niet op grond van de regels
air recht en evenmin met behulp
andere regels die het in beschou-
. Mijn conclusie luidt dan ook dat
an de bevestiging of ontwikkeling
anitaire recht bepaald niet meer
an zijn eerdere uitspraken, met
de Nicaragua zaak. Al met al, een
rol voor het Hof op dit rechtsge-

hoven (Em.), was Hoogleraar Volkenrecht
ernationaal Humanitair Recht, Universiteit

Noten:

1. Military and Paramilitary Activities in and against Nicaragua (Merits), I.C.J. Reports 1986, p. 14.
2. Corfu Channel Case (Merits), I.C.J. Reports 1949, p. 4.
3. Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993, p. 3.
4. Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 13 September 1993, I.C.J. Reports 1993, p. 325.
5. Op. cit., at p. 414. - Bij zijn (nog niet officieel gepubliceerde) arrest van 11 juli 1996 bepaalde het Hof dat het in deze zaak inderdaad jurisdictie heeft, en wel op grond van het genoemde artikel IX van de Genocide-Conventie. Voorts verwierp het alle andere door de eisende partij aangevoerde grondslagen, inbegrepen het argument gebaseerd op de gewoon- te- en verdragsrechtelijke regels van humanitair recht. Alleen Lauterpacht stemde tegen dit laatste punt, maar om een reden die hier niet van belang is.
6. Ook dit advies van het Hof is nog niet officieel gepubliceerd.
7. Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Second Phase), I.C.J. Reports 1970, p. 3; vonnis van 5 februari 1970.

Het Internationaal Gerechtshof en het Joegoslavië Tribunaal

Sept '96

In de loop der jaren en vooral recentelijk is naast het Internationale Gerechtshof een hele reeks andere internationale rechterlijke organen in het leven geroepen, zowel op wereldwijd niveau als op regionaal niveau. Men denke bijvoorbeeld aan het Europese Hof van Justitie te Luxemburg, het Europese en het Inter-Amerikaanse Hof voor de Rechten van de Mens die respectievelijk in Straatsburg en in San José (Costa Rica) gevestigd zijn, het Internationale Zeerecht Tribunaal dat in Hamburg wordt gevestigd en waarvan onlangs de rechters zijn gekozen, en niet in de laatste plaats de Internationale Strafrecht Tribunalen voor het voormalige Joegoslavië en voor Rwanda die respectievelijk hun zetel hebben in Den Haag en in Arusha (Tanzania). Deze internationale rechterlijke colleges hebben alle hun unieke en specifieke bevoegdheden die in verschillende opzichten wezenlijk verschillen van die van het Internationaal Gerechtshof. De vraag kan gesteld worden of deze constellatie geen bedreiging kan inhouden voor de eenvormige benadering en interpretatie van het internationale recht.

Theo van Boven

Het is niet deze vraag die in deze bijdrage aan de orde komt maar het meer beperkte vraagstuk van de relatie tussen het Internationaal Gerechtshof (IGH) en het Internationaal Strafrecht Tribunaal voor het voormalige Joegoslavië (ISTJ). Eigenlijk valt over deze relatie niet veel te zeggen. Er bestaat nauwelijks enige band tussen beide rechterlijke organen. Toen de financiële autoriteiten van de Verenigde Naties beide in Den Haag gevestigde organen uitnodigden om, terwille van de noodzaak van bezuinigingen, te onderzoeken op welke wijze zij gebruik konden maken van gemeenschappelijke infrastructurele en administratieve voorzieningen, was het antwoord van een onthullende eenvoud. 'Gegeven het feit dat de mandaten en de functies van beide organen wezenlijk verschillen en in aanmerking genomen de strikte eis van vertrouwelijkheid die de aard van het werk van de twee instituten met zich meebrengt, zijn de mogelijkheden tot samenwerking uiterst bescheiden'. Aldus de opvatting van het IGH, met instemming weergegeven in een financieel-organisatorisch document van het ISTJ (VN doc. A/C.5/49/42, para. 6). Inderdaad zijn de verschillen tussen een rechterlijk orgaan waarvan de belangrijkste functie is om juridische geschillen tussen staten te beslechten, en een ander rechterlijk orgaan dat tot taak heeft personen die zich aan internationale

misdrijven hebben schuldig gemaakt te vervolgen en te berechten, zo wezenlijk dat een vergelijking tussen beide organen lijkt op een vergelijking tussen appels en peren.

In het bestek van deze bijdrage zal eerst in het kort worden ingegaan op de plaats die de beide instituten innemen in de organisatie van de Verenigde Naties. Daarna zal vergelijken-derwijs aandacht worden besteed aan de status van enkele samenstellende delen binnen de twee organen, met name de 'chambers' (de rechters) en de 'registry' (de griffie).

Plaats binnen de Verenigde Naties

Het IGH is volgens Artikel 7 van het VN Handvest één van de hoofdorganen van de Verenigde Naties en meer in het bijzonder het voornaamste rechterlijk orgaan (Artikel 92). Dit wil zeggen dat het IGH in de hiërarchie van de Verenigde Naties niet een lagere of hogere positie inneemt ten opzichte van één van de andere hoofdorganen van de Verenigde Naties, zoals de Algemene Vergadering en de Veiligheidsraad, maar met hen op gelijk niveau staat. Deze constatering is vooral van belang voor wat betreft de relatie tussen het IGH en de Veiligheidsraad, omdat deze beide hoofdorganen, krachtens Hoofdstuk VI van

VN Handvest, uitdrukkelijk met taken zijn belast op het gebied van de vreedzame beslechting van geschillen. Het kan derhalve geschieden – zoals in concreto het geval was in de zaak tussen de Verenigde Staten en Iran over de gegijzelde Amerikaanse diplomaten – dat zowel de Veiligheidsraad als het IGH zich actief, maar op een verschillende manier, inlaten met aspecten van eenzelfde geschil. De primaire verantwoordelijkheid van de Veiligheidsraad voor de handhaving van internationale vrede en veiligheid (Artikel 24 VN Handvest) laat onverlet dat rechtsgeschillen die zich in dit kader voordoen als algemene regel – en ik voeg daaraan toe 'bij voorkeur' – aan het IGH moeten worden voorgelegd, zoals Artikel 36(3) van het Handvest aangeeft. Op dit punt heeft het IGH dan ook bij herhaling zijn positie bevestigd dat het als juridisch hoofddorgaan van de Verenigde Naties een eigen taak en eigen bevoegdheid heeft, die het blijft uitoefenen ondanks en onafhankelijk van het feit dat de Veiligheidsraad zich met hetzelfde geschil bezighoudt. Hoewel de recente *Lockerbie-zaak* – waarbij het Hof zich gedwongen zag de gevraagde voorlopige voorzieningen te weigeren als gevolg van een mandataire, krachtens Hoofdstuk VII van het Handvest aanvaarde Veiligheidsraadresolutie – anders zou doen vermoeden, blijft het beginsel van nevenschikking en niet onderschikking van het IGH en Veiligheidsraad overeind staan. In dit opzicht kan aan *Lockerbie* geen maatgevende betekenis worden toegekend.

In de zin van het Handvest verkeert het ISTJ in een andere positie. Het Tribunaal is bij Veiligheidsraadresolutie in het leven geroepen, waarbij de Veiligheidsraad uitdrukkelijk handelde krachtens Hoofdstuk VII van het Handvest en aldus een instrument schiep dat, om in de bewoordingen van Artikel 39 van het Handvest te spreken, taken heeft te verrichten gericht op 'handhaving of herstel van internationale vrede en veiligheid'. Daarmee is het ISTJ een 'subsidiar' orgaan van de Veiligheidsraad conform Artikelen 7(2) en 29 van het Handvest. Deze status van 'subsidiar' orgaan van de Veiligheidsraad is anders in dat de Veiligheidsraad dat de Raad goeddukt aan

het bestaan van het Tribunaal een einde kan maken. De relatie tussen de Veiligheidsraad en het ISTJ is niettemin geheel eigensoortig. Terwijl algemeen in het stelsel van de Verenigde Naties een 'subsidiar' orgaan ondergeschikt is aan het hoofddorgaan dat het 'subsidiare' orgaan in het leven heeft geroepen, waarmee in termen van beleid, financiën en procedure een status is geschapen van afhankelijkheid, is met het ISTJ een 'subsidiar' orgaan in het leven geroepen dat wordt geacht in zijn taken van vervolging en berechting een van de Veiligheidsraad volstrekt onafhankelijke positie in te nemen. Ware het anders, dan zou de onafhankelijkheid van de rechters, respectievelijk de aanklager waarnaar Artikelen 12 en 16 van het Statuut van het Tribunaal verwijzen, een cynische farce zijn.

Blijft de vraag of de Veiligheidsraad, die bij uitstek een politiek orgaan is en die door het Handvest is voorzien van sanctiebevoegdheden, wel bevoegd is een rechterlijk orgaan zoals het ISTJ in het leven te roepen. Het Tribunaal zelf werd met deze vraag geconfronteerd toen de verdediging in de zaak *Tadic* de jurisdictie van het Tribunaal aanvocht met o.a. het argument dat het Tribunaal op een ondeugdelijke juridische basis tot stand was gebracht en dat met name de Veiligheidsraad niet bevoegd zou zijn een 'subsidiar' orgaan in het leven te roepen met rechterlijke taken. In antwoord hierop overwoog de appelkamer van het Tribunaal dat de Veiligheidsraad niet enige van zijn eigen functies aan het Tribunaal zou hebben gedelegeerd noch, omgekeerd, dat de Veiligheidsraad voor zichzelf een rechterlijke functie die hem niet toekomt zou hebben aangematigd. Neen, aldus de appelkamer, deze conclusie mag geenszins worden getrokken. Wat de Veiligheidsraad heeft gedaan, is het in het leven roepen van een rechterlijk orgaan in de vorm van een internationaal straftribunaal als instrument voor de uitoefening van zijn eigen primaire functie terzake van de handhaving van vrede en veiligheid, namelijk als een maatregel die moet bijdragen tot herstel en handhaving van vrede in het voormalige Joegoslavië. Hieruit blijkt dat de appelkamer van het Tribunaal het nastreven van gerechtig-

heid, o.a. via het vervolgen en bestraffen van oorlogsmisdadigers, ziet in het perspectief van herstel en handhaving van een duurzame vrede in het voormalige Joegoslavië. Daarmee plaatst het zichzelf in het verlengde van de Veiligheidsraad zonder overigens een verlengstuk van de Veiligheidsraad te worden. Dit onderscheid is natuurlijk subtiel en voor de buitenwacht niet gemakkelijk herkenbaar. Ook het feit dat de hoofdaanklager van het Tribunaal door de Veiligheidsraad wordt benoemd, op voordracht van de Secretaris-Generaal (Artikel 16(4) van het Statuut van het Tribunaal), versterkt de schijn van het bestaan van niet alleen een band maar meer nog een binding tussen Veiligheidsraad en Tribunaal. Daarbij moet wel in aanmerking worden genomen dat volgens Artikel 16(2) van het Statuut van het Tribunaal de aanklager onafhankelijk optreedt en geen instructies mag verkrijgen van enigerlei regering of van wie dan ook. Deze constellatie heeft niet geleid tot herkenbare aanwijzingen dat het Tribunaal zich in zijn taken van vervolging en berechting laat leiden door politieke wensen of voorkeuren van de Veiligheidsraad. Daarom bestaat voldoende grond voor de constatering dat taak en geweten van zowel IGH als ISTJ zijn geënt op de vitale levensader van gerechtelijke onafhankelijkheid. Niettemin verschaft de status van het IGH als rechterlijk hoofddorgaan van de Verenigde Naties een hogere garantie van onafhankelijkheid dan de positie van het ISTJ als 'subsidiar' orgaan van de Veiligheidsraad.

De Rechters

De kwaliteit van rechtspraak staat of valt met de kwaliteit van de rechters. Maar voor hun functievervulling is van belang dat de rechters gebruik kunnen maken van de noodzakelijke faciliteiten, in het bijzonder een kwalitatief hoogstaande en efficiënte griffie. De rechters hebben een enigszins afstandelijke functie en zowel in fysieke als mentale zin behoeven zij de ruimte die een weloverwogen oordeel bevordert. Het is daarom niet zo vreemd dat Den Haag is uitgekozen als zetel voor het IGH en voor het ISTJ. In het rustige klimaat van de Nederlandse residentie floreert de rechterlijke reflectie onder gunstiger omstandigheden

dan bijvoorbeeld in het hectische New York. De rechters moeten overigens afwachten welke zaken aan hen worden voorgelegd: het IGH is afhankelijk van het initiatief van Staten of, waar het gaat om een adviserende opinie, van het initiatief van een internationaal orgaan of een internationale organisatie; de rechters van het ISTJ zijn afhankelijk van de initiatieven van de aanklager. Het is interessant een vergelijking te maken tussen beide instituten voor wat betreft de vereisten die gelden voor het uitoefenen van de rechterlijke functie en vervolgens ten aanzien van de wijze waarop de rechters worden verkozen. Wat betreft de vereiste kwalificaties spreekt het Statuut van het IGH van 'personen, die een hoog zedelijk aanzien genieten en die de voorwaarden in zich verenigen welke vereist worden om in hun onderscheidene landen de hoogste rechterlijke ambten te bekleden, ofwel rechtsgeleerden zijn van erkende bekwaamheid op het gebied van het internationale recht' (Artikel 2).

In de praktijk blijkt een groter accent te vallen op de laatstgenoemde eigenschap, nl. erkenning van bekwaamheid op het gebied van het internationale recht, en valt in toenemende mate een ontwikkeling waar te nemen om juristen in het Hof te kiezen die eerder hun sporen hebben verdiend in de internationale praktijk en in de diplomatie dan in de wetenschap en de theorie van het internationale recht. Deze ontwikkeling treedt in versterkte mate op in de samenstelling van de Commissie der VN voor Internationaal Recht die vaak als voorportaal fungeert voor een overstap naar het IGH.

Het Statuut van het ISTJ spreekt in soortgelijke termen als het Statuut van het IGH over de eisen die aan de rechters gesteld moeten worden, nl. 'hoog moreel karakter, onpartijdigheid en integriteit en in het bezit van de kwalificaties die in hun respectieve landen gelden voor benoeming tot de hoogste rechterlijke ambten' (Artikel 13). Maar de desbetreffende bepaling van het Statuut van het ISTJ voegt hieraan toe dat bij de samenstelling van de kamers van het Tribunaal (nl. twee kamers in eerste instantie en beroepskamer) rekening dient te worden gehouden met

ervaring van de rechters in het strafrecht, het internationale recht, waaronder begrepen internationaal humanitair recht en het recht van de rechten van de mens. Hieruit valt af leiden dat bij de rechters van het ISTJ een goede dosis, of liever een goede mix, aan kennis en ervaring voorhanden dient te zijn aan het strafrecht en het internationale recht met name het recht dat van toepassing is op gewapende conflicten. Gelet op de taken aan een straftribunaal ligt dit vereiste voor de hand. In de praktijk blijkt het ook zo te zijn dat van de elf rechters die zijn gekozen in het ISTJ de overgrote meerderheid is opgegroeid in een nationale strafrechtstraditie. Het profiel van deze rechters heeft dan ook duidelijk een andere kleur dan dat van de rechters van het IGH.

De vraag rijst overigens in hoeverre in de verkiezingsprocedure die aan de samenstelling van beide internationale rechterlijke organen ten grondslag ligt, de kwalificatievereisten van de te verkiezen rechterlijke functionarissen een overwegende rol spelen of dat meer gewicht wordt toegekend aan nationaliteit, meer in het bijzonder de importantie en invloed van het land waarvan de kandidaat onderdeel is, en aan het algemene belang van geografische spreiding. Dit laatste is niet belangrijk omdat juist een internationaal rechterlijk college zijn legitimatie en gezag niet alleen ontleent aan de kwaliteit van zijn uitspraken maar ook aan de mate waarop dit orgaan gezien wordt als representatief voor de verschillende in de wereld levende rechtstelsels en rechtsculturen. In de praktijk blijkt de uitkomst van de verkiezing van de rechters aan het IGH de resultante te zijn van een informele, op regio's en zelfs sub-regio's gebaseerde verdeelsleutel, met als kenmerkend verschijnsel en ongeschreven regel dat de permanente leden van de Veiligheidsraad elk een eigen onderdeel als rechter in het Hof hebben zitten. De bepalingen van het Statuut van het IGH betreffende de verkiezingsprocedure bevatten een gedetailleerde regeling voor de kandidaatstelling waarbij nationale groepen in het Permanente Hof van Arbitrage een rol spelen aldus een garantie te scheppen dat kandidaten aan de noodzake-

Deze regeling functioneert gedeeltelijk in theorie, maar in de praktijk ligt het zwaartepunt van de verkiezingsprocedure bij de regeringen, die niet alleen grote invloed uitoefenen op kandidaatstellingen maar die het gehele verkiezingsproces beheersen via lobbywerk, ruilafspraken en het uitbrengen van hun stem. Het politieke gewicht van deze verkiezingen wordt benadrukt door het feit dat de stemming zowel in de Veiligheidsraad als in de Algemene Vergadering wordt gehouden, waarbij als verkozen worden beschouwd die kandidaten die in beide organen een volstrekte meerderheid hebben verkregen (Artikel 10).

Hoewel het ISTJ een 'subsidiar' orgaan is van de Veiligheidsraad, is de verkiezing van de rechters van het Tribunaal niet volledig in handen van de Veiligheidsraad maar een gezamenlijke verantwoordelijkheid van Veiligheidsraad en Algemene Vergadering, waarbij de Algemene Vergadering het laatste woord heeft. Kandidaatstelling is het prerogatief van regeringen. Vervolgens maakt de Veiligheidsraad een selectie van de voorgedragen kandidaten en stelt de Raad een lijst vast van minimaal 22 tot maximaal 33 kandidaten, waarbij de Veiligheidsraad rekening moet houden met het belang van voldoende vertegenwoordiging van de belangrijkste rechtstelsels van de wereld. Uit deze lijst kiest tenslotte de Algemene Vergadering de elf kandidaten die de meeste stemmen krijgen en die tevens een absolute meerderheid van stemmen hebben verworven (Artikel 13 van Statuut ISTJ). Deze verkiezing door de Algemene Vergadering, volgend op een eerste selectie door de Veiligheidsraad, heeft een belangrijke principiële betekenis, omdat hiermee tot uitdrukking wordt gebracht dat het Tribunaal een representatief orgaan is van de gehele statengemeenschap en niet uitsluitend een instrument onder de hoede van de Veiligheidsraad. Overigens is deze representativiteit bij de in 1993 gehouden verkiezingen niet volledig tot haar recht gekomen, omdat geen enkele rechter uit de groep van Oost-Europese landen (ook niet van de Russische Federatie) in het Tribunaal verkozen is. Deze uitkomst is des te frappanter daar het voormalige Joegoslavië tot deze groep wordt gerekend en

kringen levende perceptie dat het Tribunaal in samenstelling en oriëntatie onevenwichtig zou zijn. Het zou derhalve wenselijk zijn dat, indien het bestaan van het Tribunaal na beëindiging van de eerste vierjarige ambtstermijn van de rechters wordt verlengd en nieuwe verkiezingen worden gehouden, op dit punt de huidige scheve situatie wordt rechtgetrokken. Een ander onbevredigend aspect in de samenstelling van dit rechterlijk college is dat slechts twee van de elf rechters vrouwen zijn. Daarin steekt het ISTJ overigens nog gunstig af vergeleken met het IGH dat sinds kort voor het eerst één vrouwelijke (Britse) rechter in zijn midden heeft. De internationale rechtspraak blijkt nog steeds een mannenzaak te zijn, alle mooie resoluties ten spijt die een grotere rol voor vrouwen opeisen in organen van de Verenigde Naties!

De Griffie

De eigensoortige positie van het IGH binnen de organisatie van de Verenigde Naties wordt benadrukt door de wijze waarop het ondersteunende personeel, in casu de griffie, wordt aangesteld (Artikelen 22 e.v. van het Reglement van het Hof). Terwijl het de algemene regel is in de Verenigde Naties dat internationale ambtenaren door de Secretaris-Generaal worden benoemd en in laatste instantie aan hem verantwoording schuldig zijn, wordt de griffier van het IGH via geheime stemming gekozen door het Hof zelf vanuit kandidaten die door de rechters zijn voorgedragen. De verkiezing van de griffier – en dezelfde regels gelden voor de verkiezing van zijn plaatsvervanger – wordt georganiseerd door de president van het Hof en geschiedt onder zijn supervisie. De andere leden van de griffie worden benoemd door het Hof op voorstel van de griffier. Benoemingen kunnen ook geschieden door de griffier met goedkeuring van de president van het Hof. Ook de richtlijnen voor de griffie en het personeelsreglement zijn door de griffier opgesteld en dienen de goedkeuring te hebben van het Hof. Uit deze personele en administratieve voorzieningen blijkt dat het IGH veel meer een eigen en

stelsel der Verenigde Naties dan enig ander orgaan van de volkerenorganisatie. Overigens mag in dit verband niet uit het oog worden verloren dat in de praktijk de budgettaire restricties van de Verenigde Naties ook het Hof parten spelen en dat het budgetrecht van de Algemene Vergadering ook de financiën van het Hof omvat. In werkelijkheid is daarom de personele en logistieke onafhankelijkheid van het Hof minder groot dan wat het reglement zou doen vermoeden. Niettemin blijft overeind staan dat het Hof in de keuze van zijn stafmedewerkers, en met name ook van de griffier, een veel grotere zeggenschap heeft dan de andere organen van de Verenigde Naties.

In dit opzicht verschaft het ISTJ een ander beeld. Het Statuut schrijft voor dat de griffier wordt benoemd door de Secretaris-Generaal na overleg met de president van het Tribunaal. Voorts wordt de staf van de griffie eveneens benoemd door de Secretaris-Generaal op aanbeveling van de griffier (Artikel 17). In het Reglement van het Tribunaal is overigens bepaald dat de rechters inspraak moeten hebben ten aanzien van kandidaten voor het griffierschap, in zoverre de president hun opinie moet inwinnen alvorens overleg te plegen met de Secretaris-Generaal (Artikel 30). Ten aanzien van de benoeming van de plaatsvervangende griffier en de overige stafleden schrijft het Reglement van het Tribunaal voor dat de griffier, alvorens aanbevelingen te doen aan de Secretaris-Generaal, het bureau (bestaande uit president, vice-president en de voorzitters van de twee kamers in eerste instantie) dient te consulteren (Artikel 31). Niettemin blijft het een essentieel verschil ten opzichte van het IGH dat griffier en staf van het ISTJ een onderdeel zijn van het Secretariaat van de Verenigde Naties met de Secretaris-Generaal als de hoogste administratieve functionaris en met recht van inspraak van president en rechters van het Tribunaal bij benoemingen, terwijl griffier en staf van het IGH op meer autonome wijze deel uitmaken van het eigen instituut onder supervisie en zeggenschap van president en rechters van het Hof.

Conclusie

Het IGH heeft als hoogste rechterlijk orgaan van de Verenigde Naties een autonome en redelijk onafhankelijke positie in de volkerenorganisatie. Het staat in een spanningsveld ten aanzien van andere hoofdorganen der Verenigde Naties, met name de Veiligheidsraad, maar daarin behoudt het zijn eigen plaats. Het Hof moet voldoen aan eisen van onafhankelijkheid, kwaliteit en brede representativiteit. De wijze van verkiezing der rechters en de autonome institutionele binding van de griffie aan het Hof dragen er in beginsel toe bij dat voor de vervulling van deze eisen een gunstige voedingsbodem wordt geschapen. Het ISTJ verkeert als 'subsidiar' orgaan van de Veiligheidsraad in een meer tweeslachtige situatie dan het IGH.

Hoewel geen aanwijzingen bestaan dat de Veiligheidsraad intervenueert in beleid en oordeel van het Tribunaal, zijn het voortbestaan en in zekere zin ook de effectiviteit van het Tribunaal afhankelijk van de Veiligheidsraad. Ook de staf en de administratieve ondersteuning van het Tribunaal zijn in sterkere mate gebonden aan de algehele bureaucratische en logistieke structuur van de Verenigde Naties. Voorzichtigheid is overigens geboden met het maken van vergelijkingen tussen de twee rechterlijke organen die zeer ongelijksoortig zijn, maar niettemin mag worden geconstateerd dat het IGH zijn werk onder gunstiger voorwaarden kan verrichten dan het ISTJ.

Prof.Dr. Th. van Boven is Hoogleraar Internationaal Recht, Rijksuniversiteit Limburg.

Het beeld dat loog

man'gt



Hij bracht een enorme schok teweeg, de foto van de uitgehongerde Moslim achter prikkeldraad die zomer 1992 de wereldpers haalde. Maar Thomas Deichmann vertrouwde de beelden uit Trnopolje niet. Terecht, blijkt nu. In onderstaand verslag, dat eerder in het weekblad De Groene Amsterdammer verscheen wordt de waarheid achter de foto ontrafeld.

(door Thomas Deichmann)

Het duurde een paar dagen voor ik het wilde geloven: de foto uit Bosnië die waarschijnlijk de grootste bekendheid heeft gekregen, is een vervalsing. Die foto is op 5 augustus 1992 gemaakt door een Brits tv-team, het team van Penny Marshall van ITN en Ian Williams van Channel 4, begeleid door verslaggever Ed Vulliamy van de Guardian. Een uitgemergelde moslim, Fikret Alic, met naakt bovenlijf achter een hek van prikkeldraad, in Trnopolje, een kamp van Bosnische Serviërs. "The proof" stond twee dagen later boven deze foto in de Engelse krant Daily Mail: "Dit zijn scènes die herinneren aan de vijftig jaar oude films over nazi-concentratiekampen."

Over de hele wereld werd de foto miljoenen keren afgedrukt. Hij werd een document van de geschiedenis van onze tijd: het bewijs van het bestaan van concentratiekampen in Bosnië, vijftig jaar na de holocaust.

Prikkeldraad

Toen ik opnamen van ITN bekeek die door de Duitse televisie werden uitgezonden, wees mijn vrouw me op een detail: als het hier om gevangenen in een met prikkeldraad afgezet kamp ging, waarom was dat prikkeldraad dan bevestigd aan de kant van de palen waar ook de gevangenen zich bevonden? Normaal gesproken wordt, wanneer men een terrein afzet, het draad aan de buitenkant bevestigd.

Ik reisde naar Bosnië, en daar werden mijn vermoedens bevestigd. Uit mijn naspeuringen bleek dat niet de gefilmde kampgevangenen omgeven waren geweest door een hek van prikkeldraad, maar de Britse journalisten die het kamp vanuit een op die manier afgezet stuk grond hadden gefilmd.

Hoe waren die opnamen tot stand gekomen? Het team van Britse journalisten was eind juli 1992 op uitnodiging van de toenmalige president van Bosnische Serviërs, Radovan Karadzic, naar Bosnië gereisd. Karadzic had in Londen deelgenomen aan een internationale conferentie en was voor zijn vertrek door redacteurs van ITN en de Guardian aangesproken op de geruchten over wrede daden in interneringskampen. Hij ontkende het bestaan ervan en stemde erin toe een groep journalisten die streken te laten bezoeken.

Onderzoek

Op 28 juli kwamen Vulliamy, Marshall en Williams in Belgrado aan. In hun bagage hadden ze een door de Bosnische regering opgestelde lijst van de concentratiekampen van de Serviërs. De reporters bezochten vanuit Belgrado twee van de plaatsen, waar ze constateerden dat het dat het gewone vluchtelingenkampen waren. Op 3 augustus vlogen ze naar Pale. De volgende dag reisden ze verder naar Banja Luka, en de dag daarop naar Prijedor. De journalisten werden onder militaire escorte naar Omarska en Trnopolje gebracht. Een artikel van Roy Gutman over Omarska, getiteld "Dodenkamp", was op 2 augustus in NewsDay verschenen en de verwachting van de redacties in Londen namen enorm toe.

Marshall schreef na haar terugkeer in een artikel voor de Sunday Times dat zij en Williams van hun hoofdredac-

teuren de opdracht hadden gekregen niets te sturen voordat ze dat van die concentratiekampen binnen hadden.

Trnopolje

Het bezoek aan Omarska was voor de reporters een naargeestige ervaring, maar de opnamen die ze maakten waren geen bewijs van foltering en moord. Daarna gingen ze op weg naar hun laatste halte: Trnopolje, enkele kilometers van Omarska vandaan. De reporters filmde daar in een schoolgebouw, dat vol lag met geïmproviseerde slaapgelegenheden, in een huis dat een soortgelijke aanblik bood, en op het terrein daarbuiten, waar enkele honderden mensen stonden. Op de dag dat de journalisten waren aangekomen, was ook een groep Moslims uit het kamp Keraterm daarheen overgebracht. Bij de enkele uren film die daar zijn opgenomen, waren ook opnamen van gesprekken met journalisten met Moslims, onder wie Fiket Alic, dwars door het prikkeldraad heen. Deze opnamen kwamen tot stand doordat Marshall en Irvin, haar cameraman, een stuk grond betraden waar voor de oorlog landbouwgereedschappen en bouwmaterialen hadden gelegen en waaromheen een prikkeldraadhek tegen diefstal was aangebracht. Vanachter dit hek zijn de beroemde opnamen gemaakt.

Camerapositie

Uit het onbewerkte filmmateriaal van ITN dat ik heb kunnen zien, bleek op wat voor een instellingen de cameraman uit was. Hij zoomde vanuit verschillende posities door de afzetting heen en stelde nu eens scherp op het kippengaas, dan weer op het prikkeldraad. Het oog van de camera was bovendien steeds op zoek naar uitgemergelde mensen. Alic, die op 17 augustus 1992 op de titelpagina van Time verscheen, bezat het passende uiterlijk. De meeste vluchtelingen waren wel getekend door de maanden van oorlog, maar hun toestand was niet te vergelijken met die van Alic.

Marshall schreef in haar reportage voor de Sunday Times: "Jeremy Irvin wist dat hij met indrukwekkende opnamen uit Prijedor was teruggekomen. Pas toen we de opnamen bekeken, begonnen we te vermoeden wat voor een effect ze zouden hebben."

Vulliamy heeft dat effect als volgt beschreven in zijn boek *Seasons in Hell*: "Met zijn ribbenkast achter het prikkeldraad van Trnopolje werd Alic het symbool van de oorlog."

In Trnopolje praatte ik met het gezin Baltic, dat het terrein van vroeger kende. De 17-jarige Dragan was tot ongeveer april 1992 in Trnopolje op school geweest. "Behalve bij die wegkruising was daar nergens prikkeldraad te bekennen," zei hij. Zijn zus Dragana voegde eraan toe dat langs de weg een klein metalen hek van een meter hoog stond. Dat staat er nog steeds en is ook te zien op de videobanden van ITN. Dragana herinnerde zich ook dat er langs de weg, aansluitend op dat prikkeldraadhek, al voor de oorlog een ongeveer één meter twintig hoog hek van kippegaas was geweest. Ook dat is op met beelmateriaal van ITN te herkennen.

Prijedor

In Prijedor ontmoette ik Pero Curguz, leider van het regionale Rode Kruis aldaar. Curguz was tijdens het bestaan van het vluchtelingenkamp in Trnopolje geweest en was in augustus 1992 eveneens door de Britten geïnterviewd. Hij had destijds meegedeeld dat de mensen vrijwillig naar het terrein waren gekomen om bescherming te zoeken. Hij vertelde mij dat er, zo lang het kamp had bestaan, nooit een hek was geplaatst. Integendeel: toen andere kampen gesloten werden en Trnopolje overvol raakte, hadden de vluchtelingen de hekken in de omgeving afgebroken om hutten te bouwen. Curguz benadrukte dat het geen gevangenkamp was, maar een opvangcentrum voor verdreven Moslims. Uit het filmmateriaal van ITN kon ik opmaken dat het grote kampterrein ten tijde van de opnamen niet door prikkeldraad omgeven was. Duidelijk is te zien dat de mensen op de weg en over het terrein liepen en dat enkelen al tentjes hadden opgezet. Ook op het met prikkeldraad afgezette stuk grond is een groepje van vijftien personen te zien, met vrouwen en kinderen, zittend in een schaduw onder een boom. Op een volgende sequentie zag ik nogmaals de kort tevoren aangekomen groep mannen uit Keraterm. De cameraman stond nu niet meer op het met prikkeldraad afgezette stuk grond, maar ongeveer twintig meter ten wes-

ten daarvan. De vluchtelingen stonden te wachten tot ze geregistreerd waren, zo vertelde me een voormalig bewaker van het kamp.

Reportage

Vulliamy had zijn reportage al een dag na zijn bezoek aan Trnopolje af. Zijn artikel verscheen op 7 augustus in het dagblad *The Guardian*, enkele uren nadat de ITN-opnamen voor het eerst waren uitgezonden. Opmerkelijk is dat Vulliamy met geen woord spreekt over een prikkeldraadhek en bovendien stelt dat men Trnopolje niet als concentratiekamp mocht beschouwen. Zijn beschrijving bevatte ook gesprekken met verdreven Moslims die hem verteld hadden dat men geen geweld tegen hen gebruikt had, en dat deze plek hen een zekere geborgenheid bood.

De toon van beschrijving van Trnopolje bleek echter drastisch veranderd toen in 1994 zijn boek *Seasons in Hell* verscheen. Kennelijk geïnspireerd door de reactie op de foto's en de filmbeelden heeft hij enkele passages gewijzigd, en het prikkeldraad dat hij in zijn eerste artikel niet eens genoemd had, werd opeens van groot belang. Zijn eerste indrukken van Trnopolje beschreef hij nu als volgt: "Nog meer vuile straten, nog meer afgebrande dorpen en ten slotte iets wat vroeger een school was geweest en weer zo'n schrikwekkend oord: een overvol kampterrein, omgeven door een hek van prikkeldraad."

Moeilijk te peilen

De onmenselijke toestanden tijdens de oorlog leken voor waarnemers in West-Europa moeilijk te peilen en het bestaan van centra als in Trnopolje werd door hen terecht als een ramp gezien. In tijden van oorlog gelden echter andere normen dan die van het burgerbestaan. De omstandigheden in aanmerking genomen, kunnen we zeggen dat het leven in Trnopolje relatief ordelijk verliep. Mijn naspeuringen hebben me tot de conclusie gebracht dat er geen enkele reden is deze plaats als gevangenkamp of concentratiekamp aan te duiden. Ongetwijfeld is het ook in Trnopolje tot misstanden gekomen, maar als dit opvangcentrum voor verdreven Moslims en de bescherming van de Servische militair-

er niet waren geweest, hadden waarschijnlijk veel meer Moslims het leven verloren.

Tribunaal

De ITN-reportage heeft veel invloed gehad op de westerse politiek tegenover de Bosnische Serviërs. Tijdens het eerste proces van het Tribunaal voor Oorlogsmisdrijven in Den Haag, tegen de Bosnische Serviër Dusko Tadic, heeft het prikkeldraadhek eveneens een belangrijke rol gespeeld. Tadic werd er door getuige 'L' - van wie later bekend werd dat hij Dragan Opacic heet en dat hij door de politie in Serajevo tot valse getuigenis was gedwongen - van beschuldigd dat hij in Trnopolje had deelgenomen aan moorden en verkrachtingen. Opacic had op 15 augustus 1996 in de rechtszaal in Den Haag op een schets aangegeven hoe

het prikkeldraadhek het hele terrein zou hebben afgezet.

Ook Vulliamy werd als getuige gehoord. Op 6 en 7 juni 1996 vertelde hij over zijn ervaringen met verschillende aspecten van de Balkanoorlog. Zijn uiteenzettingen werden begeleid door video-opnamen van ITN.

Toen Vulliamy in de buurt kwam van de opname van Fikret Alic achter prikkeldraad, verzocht hij evenwel de video af te zetten.

"Ik weet niet wie méér versteld stonden," verklaarde hij in de rechtszaal, "Wij die de mensen achter het prikkeldraad te zien kregen of zij, die een groepje mensen met camera's en notitieboekjes uit de bus zagen stappen. We liepen naar hen toe en een paar hebben we de hand geschud. Dat was verwarrend. Ik beschrijf het liever zonder video wie daar achter het hek waren, want dat gaat beter wanneer ik

niet probeer commentaar op de beelden te geven."

Waarom wilde Vulliamy juist die beelden niet laten vertonen? Om vragen te vermijden over het prikkeldraad? Advocaat Wladimiroff vertelde me een verhaal over Opacic.

Hij zei dat hij Opacic een dag nadat deze was ontmaskerd als leugenaar, had ondervraagd over zijn valse getuigenis.

Opacic had hem verteld dat hij tijdens zijn gevangenschap in Serajevo video-opnamen te zien had gekregen van Dusko Tadic en van Trnopolje. Daarbij was ook het ITN-materiaal met het prikkeldraadhek geweest. Als de leugens van Opacic niet op tijd aangetoond waren, zou Tadic's verdediger het prikkeldraad ter sprake hebben gebracht. Misschien zou ook het ITN-plaatje toen al zijn ontmaskerd.

□ Thomas Deichman

Iraaks Golfsyndroom duikt nu ook op in ex-Joegoslavië

Brussel - "Duizenden kinderen in ex-Joegoslavië lijden aan het Golfsyndroom, 600 van hen zijn daarvoor in het ziekenhuis opgenomen", zegt de Duitse professor Siegwart-Horst Günther, 71. Dit wijst erop dat ook daar munitie met verarmd uranium, het geheime wapen dat voor het eerst in de Golfoorlog van 1991 tegen Irak werd ingezet, werd gebruikt."

De medicus kwam het nieuwe wapen toevallig op het spoor toen hij in maart 1991, bij het bezoek aan een gevechtszone in Irak, projectielen zag ter grootte van een sigaar, die zeer zwaar wogen. Eén ervan nam hij mee naar Duitsland, wat hem een veroordeling opleverde wegens het in circulatie brengen van radioactief materiaal.

"Het verarmd uranium, dat wordt gebruikt omdat het zowat het hardste metaal ter wereld is, en dus zeer geschikt om bepantsering te doorboren, is licht radioactief. Het is zoals andere zware metalen uiterst giftig zodat mensen er niet mee in aanraking mogen komen. Bij het doorboren van een bepantsering raakt het in brand, waarbij allerlei giftige stoffen vrij komen", aldus de professor.

Zijn eerste bevindingen werden ook door Iraakse militairen op ongeloof onthaald. "Ze konden nauwelijks geloven dat de geallieerden hen met radioactieve munitie bestookten. Maar nu zijn ze ervan overtuigd."

Eind 1991 stelde de professor een nieuwe ziekte vast, die het gevolg was van contact met verarmd uranium. De voornaamste symptomen zijn aantasting van de immuniteit, meer herpes, slechte werking van nieren en van de lever, aids-achtige symptomen, misvormingen bij pasgeboren kinderen (ontbreken van ogen, oren en ledematen of delen ervan) en ziekten als leukemie.

"Identiek dezelfde symptomen vindt men bij de Amerikaanse en Britse veteranen van de Golfoorlog en nu ook in Joegoslavië", aldus de professor die in Irak, Koeweit en Saudi-Arabië 500.000 mensen bedreigd ziet door het op de slagvelden achtergebleven uranium.

Als dokter en geleerde vraagt professor Günther dat "het gebruik van munitie op basis van verarmd uranium, waarover al een aantal landen beschikken, evenals dat van lasers die mensen blind kunnen maken, verboden worden.

□ Paul vanden Bavière

Alsof de Verenigde Staten zelf over Milosevic oordelen! Internationaal Gerechtshof gefinancierd door multinationals

Het Internationaal Gerechtshof in Den Haag (IGH) klaagt Milosevic aan, maar niet Sharon, Pinochet, of de Turkse generaals. Omdat het zijn geld krijgt van de VS en van Amerikaanse miljardairs, weigert het Hof de misdaden van de Navo te onderzoeken. In zijn werking overtreedt het zelf tal van juridische principes.

Door Michel Collon (www.pvda.be)

Volgens artikel 16 van de statuten van het Internationaal Gerechtshof werkt de openbare aanklager onafhankelijk, zonder instructies van enige regering. En artikel 32 zegt dat de uitgaven van het Hof moeten gefinancierd worden met Uno-geld. Wat is de realiteit?

De voorzitter van het Hof, mevrouw Gabrielle Kirk McDonald zegt: "We kregen fikse steun van de betrokken regeringen en minister Albright heeft echt hard gewerkt om het tribunaal tot stand te brengen. Als we over haar spreken, noemen we haar dikwijls de moeder van het Internationaal Gerechtshof." Een lieve moeder, die op tv verklaarde dat het 'de moeite loonde' 500.000 Iraakse kinderen te laten sterven!

Toen IGH-procureur Louise Arbour de aanklacht tegen Milosevic opmaakte, bracht zij eerst Clinton op de hoogte. In 1996 ontmoette ze de secretaris-generaal van de Navo en de oppercommandant voor Europa "om de voorwaarden voor samenwerking te bespreken", alvorens een "memorandum van verstandhouding" te ondertekenen.

Zeg mij wie jou betaalt...

In '94-95 kreeg het IGH van de VS-regering 31,5 miljoen frank en voor meer dan 100 miljoen frank computers. Het kreeg ook 6,75 miljoen frank van de multimiljardair George Soros, die de grootste separatistische krant in Kosovo financierde. Andere schenkers: de mediagigant Time-Warner (wat de mediastilte over de schaduwkanten van het IGH verklaart) en het Vredesinstituut, nog opgericht door wijlen president Reagan.

Veel juristen van het IGH komen uit de Coalitie voor Internationale Gerechtigheid, opgericht en gefinancierd door George Soros. In mei 2000 dankte voorzitter McDonald de VS-regering omdat die "zo gul 22,5 miljoen frank heeft geschonken. De morele opdracht om een ein-

de te stellen aan alle geweld wordt ook erkend door de bedrijfssector. Het verheugt me dat een grote onderneming ons onlangs voor 135 miljoen frank computers bezorgde."¹

1. Uiteenzetting voor de Raad voor Internationale Betrekkingen, New York, 12 mei 2000. • Andere bronnen: An impartial tribunal, really?, studie van de Canadese jurist Christopher Black. The illegal basis of the War Crimes Tribunal, van de Joegoslavische jurist Kosta CAVOSKI www.emperors-clothes.com/articles/cavoski. Michel Collon

... en ik vertel hoe jij rechtspreekt!

Met zo'n sponsors is het logisch dat het IGH alleen vijanden van de VS vervolgt. En dat de Kroatische en de Bosnische moslimleiders onbestraft bleven, hoewel ze tussen '91 en '95 etnische zuiveringen organiseerden. Idem voor de chefs van het UCK en voor de Navo-leiders, die een onwettelijke oorlog begonnen, doelbewust Joegoslavische burgerlijke infrastructuur vernietigden en daarbij verboden wapens gebruikten (zoals fragmentatiebommen, granaten met verarmd uranium).

De ware motieven voor de jacht op Milosevic: het Servische volk te demoniseren en verdoezelen dat het de Amerikanen en de Duitsers zijn die de oorlogen in Joegoslavië hebben uitgelokt en aangevuurd; elk staats-hoofd van de Derde Wereld dat zich tegen de globalisering durft verzetten, intimideren en de misdadige oorlog van de Navo goedpraten nu de alibi's en de medialeugens steeds minder geloofd worden.



Het Internationaal Gerechtshof van Den Haag wil wel Milosevic vervolgen maar niet de Navogeneraals die doelbewust burgerdoelwitten zoals bussen, treinen en woonblokken bombardeerden. Is dat onpartijdig? (Foto Solidair, Antonio Gomez Garcia)

Verslag van de 6de dag in de Rule 61 hoorzitting tegen Radovan Karadžić en Ratko Mladić, voor het Joegoslavië-tribunaal te Den Haag, de 4de juli 1996.

Vandaag zijn we maar extra nieuwsgiering, want vandaag zal er wel "groot nieuws" volgen: de veelgeplaagde en door de Nederlandse media verguisde arme Kolonel Karremans, die zijn jongens natuurlijk had moeten opofferen aan moslims die drie van zijn mannen tot hun slachtoffer hadden gemaakt, hen maandenlang hadden getreiterd en geprovoceerd, en dat in een spel waarvan hem noch zijn jongens de regels ooit zijn verteld, zal verschijnen in Den Haag! Ik herinner me nog zo goed hun terugkomst uit Bosnië, en de aankondigingen in de media vóórdát ze echt goed en wel weer voet op Nederlandse bodem zetten. "NU zouden we uit ècht betrouwbare bron, want toch uit de monden van 'onze' jongens, de verhalen horen, over hoe het daar ècht toegaat, en over die afschuwelijke beesten, de Serviërs, en over het grootste 'beest' onder hen, die onbeschrijflijk slechte Ratko Mladić." Met dergelijke tamtam werden 'onze jongens', die bij voorbaat al tot "helden" werden verklaard, aangekondigd. Natuurlijk herinnert ieder normaal mens in Nederland zich dat nog, behalve de jongens van de media natuurlijk. En als je voorgaande opmerking in een brief naar alle kranten stuurt, dan wordt het gemakshalve gewoon even niet geplaatst. De mensen zouden zich eens iets moeten herinneren! En toen... kwamen ze thuis!! 'Onze jongens' met hun Kolonel Karremans. Nou, dacht ik, nou zul je het helemaal hebben. En ik verwachtte dus avond aan avond urenlange uitzendingen met interviews van onze jongens uit Srebrenica, programma's zouden ervoor gewijzigd en omgezet worden, en al die tijd zouden we moeten aanhoren hoe verschrikkelijk het toch wel was met die Serviërs, en hoe ze zich misdragen hadden enz. enz. Het was bij voorbaat al gepland, dacht ik en met mij velen. Maar hoe anders ging toch alles weer, dan iedereen gedacht had... want ziet, 'onze jongens', ze brachten heel andere verhalen mee naar huis, en ziet, onze Kolonel, met zijn martiale snor, zo geheel en al een man van het leger, nietwaar?, wat vertelde hij opeens? Wát, ze hadden geen vreselijke verhalen over Servische misdragingen bij zich, en die Karremans, wat was dat nou helemaal voor een vent, met die belachelijke snor, dát was toch geen man van het leger, hoe kòn hij??? Verdomme!!! Wát horen we nou? Mladić een nette generaal, die zich aan de kriegsregels hield, en Serviërs, die níet voor de ogen van 'onze jongens' de moslims pestten, verkrachtten of zoiets. Dát kon toch niet wáár zijn? Dát had toch niemand gepland? Ik herinner me nog de eerste persconferentie, die vóór de eerste briefing (en screening) plaatsvond, waar de Kolonel dus nog even gewoon alles mocht en kon zeggen wat hij wèrkelijk had gezien en meegemaakt, en hoe suggestief toen al de vragen van de journalisten waren. "Werd u erg afgesnauwd door Mladić?" en Karremans antwoordde: "Helemaal niet, geen sprake van!". Ik vermeld dit, omdat hij straks iets anders zal zeggen, hij zal straks, uit angst voor de media en genoeg treiteringen van een heel jaar lang, praten over monologen.

En de beroemde opmerking van Karremans, dat er geen good guys en geen bad guys waren, och, och, och, dát kon toch helemaal niet. Hadden ze dáárvóór nou al die jaren hun best gedaan, om dat in één klap door een onbenullige halve zool van een Kolonel die zo stom was alleen te zeggen wat hij wèrkelijk had gezien, om dat in één klap aan diggelen te doen smijten. Néé, nee und abermals Nein, en zo gingen dus alle t.v.-programma's gewoon op de normale wijze door, niet onderbroken door een onbelangrijk interview met een of andere Nederlandse boy die toevallig eens in Bosnië was geweest. Wat zou dat, zo'n knul had toch niets interessants te vertellen, precies, net wat u zegt. En even later kreeg dat hele zooitje, dat waren toch niet 'onze jongens', want geen jongens van sta-vast, en wat hadden ze zich misdragen tegenover die arme, poor, defenseless muslims, een zwijgplicht, o nee, een spreekverbod, opgelegd. En zo konden de media weer onbedreigd door de waarheid hun oude, vertrouwde gang gaan: De Serven waren slecht, de moslims goed, en zo was de wereld toch weer in orde.

Vergeeft u mij, lezer, zoveel sarcasme en bitterheid op een hoop. Maar het is toch werkelijk zo gegaan, in dit Hottentotten-landje, dat nòg Nederland heet, maar dat ik allang niet meer herken als mijn land, omdat het zo'n vreselijke rol aan het spelen is in deze oorlog. Wat is Nederland gehoorzaam geworden aan buitenlandse krachten, en wat laadt het een hypotheek op zich, als ooit in de toekomst de waarheid weer wèl naar buiten zou mogen!

Dus vandaag vol verwachting naar Den Haag. Nee, want ik weet dat hoe dan ook Kolonel Karremans de wacht aangezegd zal zijn, en dat hij zich zal moeten beschermen tegen de ongenadige media, die zowat allemaal naar de dollars, zwart van olie, lonken. En van hun aandeelhouders afhankelijk zijn. Ik verwacht een getemde Karremans, die op eieren zal moeten lopen, en straks hoe dan ook tòch weer door de 'journalisten' (bestaan er eigenlijk nog wel journalisten die hun vak serieus nemen?) door het slijk zal worden getrokken.

Maar niet langer getreuzeld, het verslag zal zijn normale loop krijgen. Gelukkig zal mijn Servische kennis, Branka, die nu al meer een journalist is dan al die gediplomeerde goffers bij elkaar, er ook zijn. Zitten we niet helemaal alleen in die soms toch werkelijk vijandige omgeving. Dat scheelt.

We gaan de lijst van tot nu toe verschenen getuigen maar weer eens langs:

Op 1 juli : getuige 2. J. Ralston (zie vorig verslag);

„ 3. Mr. Jan van Hecke;

„ 4. Mr. Tarik Kupusović; (burgemeester van Sarajevo)

Op 2 juli : getuige 4. Mr. Tarik Kupusović;

ingelast als Amicus Curiae: Mrs. Christine Cleiren, member

commission of experts. Met haar verkrachtinsverhalen;

getuige 5. Mrs. Irma Oosterman, politievrouw, ik noem haar voortaan de 'penisbijter', kom er nog op terug;

getuige 6. Mr. Colin Kaiser;

„ 7. Mr. Patick A. Rechner;

Op 3 juli : „ 7. „ „ ;

8. Mr. Jean-René Ruez (de Fransman die zoveel op een getuige tegen Tadic leek, die arts in Sarajevo);

„ 9. Kolonel Karremans.

Op 4 juli : „ 9. Kolonel Karremans.

Er liggen nog geen persverklaringen, er valt nog niets te lezen. Maar het is wel weer druk met mediafiguren, en zo wandelen we maar weer eens de trappen op, de zaal waar "gerechtigheid zal geschieden" in, en ik maak weer afkortingen om de verhoren weer zo goed mogelijk bij te kunnen houden. Het valt me op dat ik geen afkorting voor de Defense zal hoeven maken, in de zaal waar gerechtigheid zal geschieden 'in front of the world' heeft men geen behoefte aan zo iets lastigs als advocaten. Ook morgen, kan ik nu wel opschrijven, zullen twee advocaten van Karadžić het weer proberen. Tevergeefs, aan een wederwoord heeft men geen behoefte meer in de 'Nieuwe Wereldorde', en de wereldbevolking heeft dat kennelijk ook niet. Iedereen vindt het wel best zo, totdat men zelf aan de beurt is om voor het Showtribunaal van het Vierte Reich de Freisslerjustiz te ondergaan, en men komt er achter, dat men geen verdediging krijgt. Ik wacht dus rustig af.

Uit het verhoor, wat vandaag weer verdergaat, bleek niet hoe de moslims zich in de tijd voorafgaande aan de inname door de Serven, hadden gedragen. Er blijkt niet uit, dat ze een man hadden verloren, soldaat Rensen, die voor de moslims toch alleen maar een 'vuile zwarte' was, die nu onder de groene zoden ligt. Ook blijkt niet hoe de moslimsleiders zich volaten, terwijl de bevolking vaak gebrek had, en ook niet, hoe de Nederlandse jongens, die de héle enclave moesten beschermen, in bepaalde delen van die enclave niet mochten komen van die moslims, omdat daar dingen gebeurden, met medeweten van de Amerikanen wellicht, die het daglicht niet konden velen. Onder andere wapenhandel, wellicht ook prostitutie en handel in illegale juwelen, blijkt nu uit een onderzoek waarbij de aartsbisschop van Barcelona, Zhirinovsky en kopstukken in Bosnië (Sarajevo) betrokken zijn. Dus wie weet wat er ooit nog boven water komt, maar zeker niet voor dit Tribunaal. De vragen zijn weer walgelijk gericht en eenzijdig. De rechters trekken weer hun meest serieuze gezicht, mr. Harmon doet weer ongelooflijk zijn best. Iedereen neemt zichzelf weer 100% serieus.

Karremans komt binnen met snelle pas, een grote tas bij zich, zeer grijs, zeer mager. De rug gebogen.

Het laatste jaar is hem niet in de kouwe kleren gaan zitten, dat is hem aan te zien.

Karremans moet iets vertellen over het effect op de bevolking van de blokkade door de Serviërs.

Karremans: Door het weigeren van de konvooien verkeerden de bevolking zowel als het bataljon onder ellendige omstandigheden, vanaf april. Er was honger, geen medische verzorging, Artsen zonder Grenzen konden niets doen. Mijn conclusie is dat de situatie hopeloos was en inhumaan. Voor ons bataljon gold dat we geen diesel of electriciteit hadden en het weer was tot eind mei ook slecht, met veel regen. We konden dus niet rijden ook door de slechte wegen. Er waren ook veel mijnen. We konden de observatieposten (OP's) niet bevoorraden. We hadden alleen onze eigen voorraden, en te weinig personeel. Wat nieuw personeel kon door de blokkade sinds 26 april niet meer binnenkomen. Ook geen post meer. We gingen maar te voet patrouilleren. Na de luchtaanvallen op Pale goldt een 'one hour-notice' op de OP's. D.w.z. dat men binnen 1 uur weg moest zijn na een waarschuwing. We gingen maar improviseren. Het psychologische effect op bevolking en bataljon was groot.

Maar waarom, kolonel, vertel je er niet bij dat de moslims soms het water afsloten opdat jullie weer van jullie éigen voorraden zouden afgeven? Censuur van het Tribunaal? Je had het er toch even doorheen kunnen laten glippen?)

Harmon: Wat was het effect op de civiele bevolking na de invasie?

Karremans: Op 6 juli werd er zwaar gevochten met beschieten van de stad en de compounds. Dat begon in het zuiden, dat schieten. Daarwoonden 3000 vluchtelingen. Die gingen naar het midden van Srebrenica. Er was paniek en geen voedsel. Duizenden gingen naar Srebrenica, en op 11 juli honderden naar de UN-compound. Op 11 juli toen beschietingen startten gingen ze naar Potocari.

Harmon: Dus in de compound landden ook schoten?

Karremans: Ja, dat kostte civilisten het leven.

Karremans vertelt dat ze het grote aantal vluchtelingen moesten gaan splitsen: ze inviteerden zo'n 4 à 5000 vluchtelingen in de VN-compound in Potocari en de rest van 15 à 20.000 vluchtelingen bleven buiten de compound.

Harmon: Hoeveel % man, hoeveel % vrouw?

Karremans: Meesten waren vrouwen en kinderen en ouderen.

Weer moet Karremans de algemene toestand beschrijven. Beschrijft weer alle tekorten en doet zo ook een poging, misschien, maar later blijkt voor de rest van de journalisten dat dat zeer duidelijk is, om zichzelf en zijn mannen in te dekken voor hun gedrag en dat wat later allemaal gebeurde. INdekken voor hun 'nalatigheid' jegens de moslims. Omdat Karremans natuurlijk donders goed weet dat nu de hele Westerse media weer hun kans schoon zien om weer over hem en zijn mannen heen te vallen. Dus enigszins vergeef ik het hem wel, en het siert hem dat hij nog steeds, in het verdere verloop van het verhoor, weigert de gruwelverhalen te vertellen, die iedereen zo graag horen wil. Menige journalist is nú al kwaad, en vooral een journalist van RTL-4 is woedend. Waarom toch, jongen, wordt je daar nu voor betaald?

Ben je plots zo politiek correct als je je alleen maar zorgen maakt om moslims, en het je geen bliksem kan schelen wat er bijv. met jonge Nederlanders gebeurt? Ik leef in een wereld waarvan ik de nieuwe spelregels nog niet ken.

Karremans: Ik hoorde, dus van horen zeggen, dat men zich ophing (1 man) en dat er 5 bevallingen aan de gang waren geweest.

Harmon: Beschrijft u de luchtaanvallen.

Karremans: We vroegen er enkele keren om. Volgens het mandaat had men dan 8000 soldaten nodig. Toen ik op 6 juli erom vroeg kreeg ik geen luchtsteun, behalve op de dinsdag van 11 juli, na 14 uur kwamen er toen lucht-aanvallen, maar dat had geen effect meer. Too late en too little. Het had wel effect op de reacties van Mladić!

Harmon: Welk effect had het dan op Mladić?

Karremans: In Bratunac gelastte Mladić mij de luchtsteun onmiddellijk te stoppen. Anders zou hij al zijn wapens gebruiken tegen compound Potocari en de gegijzelde soldaten van ons bataljon doden. Dat kon hij ook want hij had veel wapens en raketsystemen (rocket launchers) ingenomen.

Harmon: hoe verliep uw meeting met Mladić?

Karremans: De 1ste meeting? Op dinsdag om 20.30 u. word me verteld dat ik in Bratunac een meeting zou hebben. Er waren veel militairen in gevechtstenuue en daar zag ik voor de eerste maal generaal Mladić, samen met generaal Zivanović. Er was veel pers bij. Mladic begon met te zeggen dat ik schuldig was aan de luchtaanvallen, dat mijn soldaten hadden geprobeerd om hem te doden, etc. Hij schreeuwde. (Zie de tegenspraak met de eerste persconferentie in Nederland!!).

Toen hebben we ons beroemde glaasje met iets erin, weet niet wat, gedronken. Ik móest wel toasten, ik was ook murw, we hadden beiden (nu bedoeldt hij Mladić en zichzelf...) geen 5 nachten geslapen, er was een cameragroep aanwezig. De hele meeting duurde + 45 minuten. Ik kon de situatie van de vluchtelingen uitleggen, en vragen om voedsel, water etc. Ik moest voor een tweede meeting om 23.30 u. terugkomen met een vertegenwoordiger van de vluchtelingen en van de burgerlijke autoriteiten van de Obstina.

Toen gingen we terug naar de compound, en zochten we naar vertegenwoordigers van de vluchtelingen; we vonden iemand van de Middelbare School die meeging, ene mr. Mandić. Bij de tweede meeting troffen we generaal Mladić, generaal Zivanović, een vertaler en officieren van het Bosnisch-Servische leger (BSA).

Harmon: Vroeg u in de 2de meeting om een vluchtmogelijkheid van de vluchtelingen?

Karremans: Ja. (Nu moet hij de 2de meeting beschrijven. Al die tijd zit ik me iets af te vragen: hoe ging dat toen de Kroaten de UN Protected Areas in West-Slavonië overvielen, ook een borreltje en een gesprek? Maar dat zie k natuurlijk helemaal verkeerd.)

(Karremans leest veel van papier af, heeft een tas vol aantekeningen)

De 2de meeting was vriendelijker: ik vroeg weer om steun voor de vluchtelingen, eten etc. Dat noteerde Mladić. Hij zei niets.

Begon toen te eisen, in een 'monoloog'. Alle Bosnische (BHA) soldaten moesten hun wapens inleveren bij de BSA. De soldaten konden overleven of verdwijnen (survive or disappear, 'het moet gezegd dat Karremans vrij improvisatorisch Engels spreekt.)

Er zou een wapenstilstand zijn tot woensdagmorgen 10 uur. Als ze hun wapens niet zouden inleveren, zouden ze (de BSA) weer gaan schieten. Hij vertelde iets over Izetbegović: dat hij meer Serven had gedood dan het BSA moslims. Mladić zei dat hij geen macht tegen vrouwen en kinderen wou gebruiken. Nasr Orić moest komen, dat was decommandant van het moslimleger. Ik zei dat ik die niet meer had gezien sinds april(!!!). Mladić wou de gewonden overnemen en behandelen volgens de conventie van Genève. Wij moesten de volgende morgen terugkomen met civiele en militaire autoriteiten van de enclave. De wapens móesten worden ingeleverd, benadrukte hij nog eens.

Als de moslimsoldaten hun wapens zouden inleveren zouden ze volgens Genève worden behandeld. (Waarom wordt dat hier op het Tribunaal al bij voorbaat in twijfel getrokken??)

Harmon: Zei hij ook iets over de mogelijkheid van de Nato of ze de Safe Area konden verdedigen?

Karremans: Mladic zei: de UN-troepen waren niet in staat geweest om de UN resoluties van '93, waarin stond dat de enclaves moesten worden ontwapend, na te doen leven.

Ik belde met de sector noord-oost. Vertelde alles. TJoen zochten we naar meer vertegenwoordigers van de enclave.

De 3de meeting was de volgende morgen in het hotel in Bratunac.

Harmon: Wat waren de omstandigheden?

Karremans: Zelfde, dezelfde personen aanwezig, met wat civilisten, weet niet wie. Mladić verwelkomde ons. Een vrouwelijke vertegenwoordiger praatte over de omstandigheden, endat vrouwen en kinderen niet schuldig waren.

Dat waren geen politici en geen militairen, zei ze. Hadden geen schuld. (Och, als ik zie hoe die moslimzoontjes door hun moeders als Hezbollah-strijders in spé worden opgevoed weet ik het zo net nog niet. En dat enkele dagen vóór de 6de juli busladingen met strijdliders zingende moslims vanuit Sarajevo naar de enclave werden gevoerd, zogenaamd om een Islamitisch feest te vieren, doet een normaal mens toch ook denken, wat was hier nu door wie gepland? En zijn alle vluchtelingen wel zo 'onschuldige' burgers?) De vertegenwoordiger die we ook hadden meegenomen zei dat hijzelf, noch mijn staf contact hadden kunnen leggen met de Bosnische regering. (!!) Hij kon dus geen mandaten aan Mladić overhandigen. Mladić startte weer met een monoloog: hij gaf een stukje geschiedenis. In 1992 had het Bosnische leger van Orić vele Servische gezinnen afgeslacht, civilisten en militairen van het Bosnische leger maakten dorpen met de grond gelijk. In 1993, zodra die 'safe areas' werden gemaakt, was hun lot (van de moslims) in handen van het BSA. Te laat voor hulp. (Nu weet ik uit verklaringen in regionale dagblade van enkele Nederlandse jongens die in Srebrenica waren geweest, dat Mladic sprak over maar liefst 182 of 192 dorpen. Maar daar hoor je ze hier op het Tribunaal natuurlijk niet over doorvragen.)

Er was veel ellende geweest, ging Mladić verder. De bosnische moslims hadden vele mensen in de enclaves vermoord (?). Hij wou wel helpen om die 25.000 vluchtelingen te geven wat ze nodig hadden, maar dan moest hij wel support hebben. Het BHA-leger moest de wapens inleveren. Zijn 2de onderwerp was: De populatie kon kiezen, blijven of evacuatie: naar Bosnisch gebied rond Tuzla, of naar Servië zelf, of naar het buitenland. Hij had alles omsingeld en de moslims moesten ophouden met vechten. (Dus er werd nog her en der geschoten? Deze opmerking is belangrijk, lezer, in verband met de verklaringen en de conclusies die de aanklager trekt uit latere getuigenverklaringen. Zie verder in dit verslag.)

Hij kon de vluchtelingen niet helpen zolang er gevochten werd. Het BHA kon in bijzijn van de VN hun wapens inleveren. (Netjes, die Mladić is een nette officier.)

Hij wilde assistentie bij een evacuatie. Hij zei: vroeger, vóór '92, kon men hier goed leven. Hij ging weer terug in de geschiedenis: hij als professionele soldaat had geen plezier in doden. Hij bood weer hulp aan aan de vertegenwoordigers van de enclave, en hij vroeg welke basisbehoeften de vluchtelingen hadden.

Hij zei: als er weer luchtaanvallen elders in Bosnie zouden komen, dan zou hij weer de wapens opnemen en sancties toepassen. En dan zou hij de compound beschieten.

Hij wou alle mannen van 17-60 jaar zien. Daar waren wel criminelen bij; hij wou ze spreken.

Mladić wou in contact komen met Nasr Oric en andere BHA-officieren. Ik zei: er zijn geen BHA-soldaten!

(Had Izetbey de enclave dus al opgegeven? Wanneer en wie wisten dat? behalve de Serven. En hoeveel soldaten hadden maar even gauw zich verkleed als civilist?)

Toen zei hij nog dat de BHA 24 uur had om de wapens in te leveren.

Mladić vroeg toen weer naar de specifieke omstandigheden van de vluchtelingen. Hij zou graag eerst de zwakken en gewonden helpen.

Hij zei dat niemand zou wordne gewond, als de cooperatie met Unprofor goed zou zijn. Vervolgens vroeg hij om diesel voor de evacuatie.

Ik lachte; hij wist dat ik niets had! Mladic zei dat zijn BSA de escorte zou doen tijdens evacuatie. Nee, zei ik, dat doen wij. Ik wou op elke wagen 1 soldaat van ons, maar ik had geen idee hoeveel wagens er zouden worden gebruikt.

Mladić zei toen: Allah zal ze niet helpen. Mladić wèl!

Dat moest ik de vluchtelingen vertellen. (Tijdens het noteren schiet ik in de lach. De rest van de zaal is politiek correct 'geschokt'.EK) Ik vroeg Mladić wat hij met de 17-60 jarigen wou? Hij wou van persoon tot persoon onderzoeken wat ze hadden gedaan. Veel van hen waren oorlogsmisdadigers.

Voorts stelde Mladić voor dat Gladanj de haven van evacuatie zou zijn. Hij herhaalde dat het BHA, in uniform of niet, (luisteren jullie ook, journalisten in de zaal?EK) hun wapens mochten inleveren. Beter was het te leven dan dood te zijn. Hij eindigde met een boek te tonen waarin de gesloten huwelijksplechtigheden werden vermeld, de laatste die vermeld stond was op 29 juni gesloten. Verder zei hij nog iets tegen de vrouwelijke vertegenwoordiger, dat ze een fijne vrouw was met een open attitude. Weer drong hij erop aan dat ik contact zou leggen met het BHA. De meeting eindigde rond 12 uur 's middags.

Harmon: Wanneer kwam het eerste transport aan om vluchtelingen mee te nemen?
Karremans: Rond 15 uur.

Toen kwamen er vele bussen en lorries. Er waren 40 à 50 wagens in de 1ste evacuatie. Ik kon derhalve geen soldaat per wagen leveren. Toen vonden we een andere oplossing: we zouden elk konvooi escorteren met 2 jeeps met bemanning, tot Gladanj. Het eerste konvooi bereikte Gladanj, + 6 km. ervandaan was er een baccicade tussen de grens met enclave en Bosnisch gebied. De laatste 6 km moest dus iedereen lopen, ook de gewonden. (En dáár hebben ze waarschijnlijk die opnames gemaakt, die ik hier telkens zag, van mannen die gewonden op draagbaren vervoerden. EK)
En route werden er zo'n 14 wagens meegenomen, die niet terugkeerden. We wisten niet of die door de BSA gestolen of gekaapt waren of door irregulars (moslims of Serven?EK). Met alle apparatuur waren we dat dus kwijt. We begonnen toen de wagens te tellen. Dat aantal gaven we door aan 1ste post. Ten tweede verordonneerde ik de troepen buiten de compounds te werken met wapenning en helmen op. De BSA-soldaten stalen soms wapens van individuen tussen de vluchtelingen. Toen het eerste konvooi arriveerde en de vluchtelingen naar de bussen liepen kwam Mladić in zijn auto met lijfwachten en de pers, die maakte leuke plaatjes van hem. Ik sprak kort met hem over de evacuatie, ik wou dat eerst de gewonden gingen. Hij zei: ja, naar het hospitaal in Bratunac. Ik zei: nee, hier, òf naar de Noorse Unprofor in Tuzla, of naar het Rode Kruis. Mladić zei daarop niets. Mladić was zó druk met de pers en de soldaten dat ik hem maar 3 minuten sprak. Het volgende contact was op donderdagmorgen: vóór de compound. Hij had alleen kolonel Janković en majoor Nikolić bij zich. Hij bood me aan dat we mochten gaan met de wagens ná of tijdens de evacuatie. Ik zei dat ik dat niet wou vanwege dat ik nog wat militairen op de OP's had. De soldaten vande escorte waren ook nog niet terug. Ik had 55 gewonden (burgers) en ik had mijn moslimtolken nog en alle mensen van de Artsen zonder Grenzen. We zouden sámen gaan. Mladić vond dat goed. (!!)

(En weer kan ik me niet onttrekken aan de gedachte, dat hier een nette officier voor Karremans stond, die de situatie dan wel beheerste en dat is voor Westernlingen natuurlijk nooit leuk, maar geen misbruik van zijn macht maakte. EK)

Harmon: Eind 13 juli waren alle vluchtelingen weg?

Karremans: Ja. (kijkt even in een logboekje) Eind van de middag waren alle vluchtelingen weg.

Op 21 juli was de volgende meeting met Mladić. We mochten 8 dagen ons vertrek voorbereiden. (Hoe lang kregen de Unprofor-soldaten in de Krajina? En in West-Slavonië?)

Op vrijdag kwam een groot konvooi met voedsel en diesel en medicijnen aan. Op die vrijdag inviteerde Mladić me in hotel Bratunac. We troffen hem daar met vele officieren. Chef van de Unproforstaf generaal Nikolaj (een Nederlander) was er ook. We kregen een ontbijt. We zouden naar Zagreb gaan. Ik vroeg weer naar de wagens.

Toen zei Mladić dat hij graag de compound zou bezoeken en of hij met mijn soldaten kon praten. Ik zei dat dat niet kon gezien ons tijdschema. Hij wou echter per sé. Hij zou er zijn om 11.30 uur. Ik nam Mladić mee. We hadden een kort gesprek over algemene dingen:

- 1) wat gebeurt er met mijn equipment? Mladić zei dat hij dat zou uitzoeken met het ministerie van Binnenlandse Zaken; (van Srpska)
- 2) wat zou er gebeurd zijn als de UN de troepen rond Zepa en Srebrenica wèl hadden ontwapend. als de resoluties van '93 waren nage-

leefd? (dus die ontwapening)

Mladić antwoordde: dan had ik er niet over gedacht om de enclave in te nemen. (Maar hij zei dat met een glimlach, voegt Karremans daar suggestief aan toe.)

Dàt was mijn laatste meeting met Mladić.

Harmon: Ik heb geen vragen meer.

De rechter uit Costa Rica toont weer eens dat ze niet heeft zitten luisteren door te vragen waar de evacuées heengingen.

Daarop vraagt ze wat er met hen gebeurde tijdens de rit naar Gladanj.

Karremans: Dat konden we niet zien, we hadden te weinig mannen.

Je voelt weer waar dit heengaat: het feit dat niet alle konvooien volledig begeleid konden worden door de jongens van Karremans doet in de ogen van de rechters natuurlijk vermoeden dat er toen dus gelegenheid was om mensen te vermoorden, en 'dus' was dat ook gebeurd. Want in welk schema moet je al die moorden anders persen?

De Costaricaanse rechter vraagt nu naar het lot van de soldaten die in de gestolen auto's zaten.

Karremans: Zij werden bewaakt door soldaten van het BSA in de nacht. Ze werden van Bratunac naar Gladanj gebracht en kregen 2 maal te eten, met shelter.

Vrijdag waren ze weer terug.

Costa Rechter: Zagen zij de BSA doden, slaan of verkrachten?

Karremans: Ja, ze zagen hen slaan, als de Serven zagen dat de Nederlanders er naar keken hielden ze ermee op. Er zijn 2 rapporten: 1 van een executie en 1 van een executie van 9 man.

Harmon: We zullen hiervan bewijzen tonen! (OOHH, eindelijk iets. Maar die krijgen we niet, geen foto's, alleen woorden. Verder niets.)

Costa REchter: U vroeg toch wel aan Mladić wat er met de vluchtelingen zou gebeuren?

(Ja, suf wijf, dat vertelde hij nou net!)

Karremans: Nee. (Arme Karremans, laat je niet in de war maken.) We dachten dat zij naar Gladanj en daarna naar het Rode Kruis of naar de Pakistaanse Unprofor zouden gaan. Er stonden tenten en alles klaar. Anderen zouden naar de luchtmachtbasis in Tuzla gaan. Alleen dàt wist ik.

Costa R.: Wat is uw persoonlijke mening: vindt u dat de VN en de NATO hun best deden?

Karremans: Ja. Als we de vrijheid hadden gehad om overal in de enclave te gaan dan zouden ze samen met Rode Kruis en UNHCR etc. genoeg hebben kunnen doen. Maar door de isolatie en de wurggreep van Mladić konden we dat niet.

Zo, denk ik, nu heeft hij eindelijk gezegd wat die 'rechters' horen wilden. Braaf zo, jongen, en vertel vooral niets over de Bandera-driehoek. Je levensverzekering is gekocht. Maar het zal je niet helpen, want de moslims kunnen meer centjes betalen aan News Agencies dan jij in je hele leven bij elkaar hebt gezien.

Rechter Riad(de Arabier): Mladić trok zich niets aan van uw eisen?

Karremans: Nee, hij hield monologen. Hij maakte wel aantekeningen van de slechte situatie. Er waren geen wederzijdse onderhandelingen, was éénzijdig. (Ja, en waarom zou een generaal die de situatie meester is zich iets aan de 'eisen' van de overwonnenen gelegen laten liggen? De moslims leverden toch ook hun wapens niet in?)

Ik vraag me steeds meer af of hier eigenlijk wel überhaupt iemand zit die ooit een oorlogssituatie heeft meegemaakt. Onder de journalisten toch zeker niet.

R. Riad: maakte u bezwaar tegen het scheiden van mannen en vrouwen?

Karremans: Ja, maar hij zei dat er vele oorlogsmisdadigers tussen zaten.

R. Riad Vroeg Mladić om informatie omtrent deze BHA soldaten?

Karremans: Nee. Van mij kon hij niets weten. (Goed zo, jongen, want anders zal deze Arabische 'rechter' misschien nog wat Mujaheddin op je af sturen!)

- R. Riad: Wist u hoe de vluchtelingen werden behandeld?
Karremans: Nee, we moesten ook ons eigen vertrek voorbereiden, we moesten veel regelen, diesel, voedsel etc.
R. Riad: Uitte u enig protest tegen de executies?

(De Arabische 'rechter' heeft altijd de suggestieve vragen in het pakket).

- Karremans: Nee, ik deed dat niet want ik verwachtte de laatste meeting met Mladić niet eens. Kreeg er geen kans voor.
R. Riad: Mladić was altijd aanwezig? Hij wist wat er gebeurde?
Karremans: Ja, ik neem aan van wel. Anders was hij in Bratunac, daar had hij zijn Hoofdkwartier. Ná donderdagmorgen heb ik hem niet meer gezien. Sinds de evacuatie had men geen contact met Mladić vanuit de hoge legereenheden.

De Arabische 'Rechter' doet zijn best om Karremans uit de tent te lokken, maar tot nu toe lukt het niet zo best. Maar even later zal Karremans wél in de fout gaan.

- R. Riad: De evacuatie: hij vroeg om assistentie. De deportatie naar de Bosnische kant was goed georganiseerd, daar zat dus zijn Hoofdkwartier achter?

(Ja, lul, wie anders. En sinds wanneer zijn evacuaties meteen deportaties?)

- Karremans: Ja, alles was voorbereid. Het is in Bosnië een kwestie vna goed plannen om 30 of 40 bussen te krijgen. Hij vroeg ons om paniek te helpen voorkomen.

- R. Riad: De 55 soldaten van u die gevangen werden gehouden door de Serven op 6 juli, hoe werden zij behandeld?

- Karremans: Niet op 6 juli, zo'n 2½ dag later. Zondag en maandag nam hij veel Observatie Posten in, en hij nam soldaten daar in gijzeling. Hij had de 55 in Bratunac en in Simic. Allen zeiden ze dat ze goed werden behandeld. Ik mocht met ze praten.

Aan het gezicht van de Arabische rechter is duidelijk te zien dat hem dit antwoord tegenvalt.

- R. Riad: U noemde ene majoor Nikolić die zei "alle Bosniers moeten uit Bosnië vertrekken."

- Karremans: Ja, Tijdens de onregelmatige meetings met de BSA hoorde ik mid-februari van Nikolić de opmerking: Mijn halve familie is in de Tweede Wereldoorlog door de moslims uitgemoord. De moslims (en dus niet de 'Bosniërs, lieve rechter!EK) moeten weg uit Bosnië.

Het is opmerkelijk hoe hier in Den Haag men toch altijd zo makkelijk over al hetgeen voorafging in dat gebied heenspringt. Iedere keer verbaas ik me er weer over. Weet de Arabische rechter (in welk systeem van rechtspraak is hij opgeleid eigenlijk?) dat er vele moslims onder de Ustasha zaten, dat er moslim-elite eenheden waren bij de SS? Of zat zijn eigen vader misschien in zo'n eenheid? Het is misschien ontoelaatbaar dat ik dit zo durf opschrijven, maar na weken van eenzijdige geschiedsverkrachting begin ik dergelijke bange vermoedens tòch echt te krijgen.

Nu wordt er gevraagd naar de brigades van het BSA, het Drina-korps. Dat bestond uit oudere mannen uit de regio. Op 6 juli kwamen er nieuwe brigades aan. Hij stuurde dus nieuwe manschappen.

- R. Jorda: Zaten er verse militia in?

- Karremans: Ik zag dat niet zelf, ik hoorde alleen van geruchten dat Arkan er was, maar ik heb Arkan al die dagen niet gezien.

- R. Jorda: Verwachtte u dat er een evacuatie kwam?

- Karremans: Nee, tijdens de eerste 2 meetings niet. In de 3de meeting begon hij daarover. Ik was verrast. We maakten toen een comitee van vluchtelingen om samen te werken met Mladić. Om 15 uur woensdagmiddag kwamen de bussen er al.

R. Jorda: Had u toen tijd om over de evacuatie na te denken?

Karremans: Nee, geen tijd. We konden alleen maar eten en drinken etc. geven en medische assistentie.

R. Jorda: Over de lijst van namen die u gisteren noemde: wat gebeurde er met de mannen die erop stonden?

Karremans: We hadden 25.000 vluchtelingen, waarvan er 2 à 3% mannelijk waren. We wisten nietprecies welk percentage mannen buiten de compound. Het comité van vluchtelingen zette alle namen van de mannen van 16-60 jaar binnen de compound op delijst. Er was geen tijd voor de rest.

En dan ga ik toch even rekenen, want dat leerde ik op delagere school. Er waren dus 25.000 vluchtelingen, waarvan in de compound 2 à 3 % man. Dat maakt 2 tot 3 x 250 = 500 tot 750 mannen. In de compound 2 tot 3 x 50 = 100 tot 150 man. Hoe komen ze in vredesnaam aan 8000 vermiste mannen? Als je hier begint met rekenen val je op een gegeven moment in een diep zwart gat. Ik zal maar ophouden met na te denken, ik zal ieders goede voorbeeld maar volgen en mijn gedachten opnul zetten. En alle verhalen over Srebrenica maar over me heen laten gaan.

De lijst werd gefaxed naar Tuzla en Zagreb.

R. Riad: Kreeg het kantoor van Mladić die lijst?

Karremans: Weet ik niet. 2 Antwoorden zijn mogelijk:

1. de kantoren gaven het aan de BSA
 2. Nee, ik wéét het dus gewoon niet! (Karremans is in de war en geprikkeld.)
- Ik had het te druk om me over het lot van de vluchtelingen het hoofd te breken.

O jeetje, Jongen, hier gaan ze gebruik van maken. En inderdaad, die laatste zin in iets andere woorden zul je de dag daarop in alle Nederlandse kranten lezen. Het geterg van rechter Riad heeft dus uiteindelijk resultaat gehad.

Tijdens de lunch hoor ik Amerikaanse journalisten, die als een kluitje bij elkaar zitten, praten over het tijdstip van de 'moorden'. Want dat er 'moorden' zijn geweest, dat is natuurlijk geen kwestie. Ze mikken op het tijdstip van het transport naar Gladanj. Karremans benadrukte zeer dat hij geen man per bus kon meesturen. Indekken of 'kansen' voor de pers om die moorden ergens te kunnen plaatsen openlaten? Er is vandaag veel belangstelling, ook van een delegatie uit Ruanda. Die kijken alvast hoe het hier toegaat. Eén verslagje naar het thuisfront van een journalist is toch wel even illustrerend voor hoe het hier toegaat: deze man rapporteert: Karremans heeft geen moorden gezien maar hij wist toen natuurlijk niet wat wij nu wel weten, en dat is dat er toen al 8000 moslims waren gedood.

En zo wordt tegenwoordig 'verslaggeving' gedaan. Je bericht gewoon dat wat je niet gehoord hebt en je zit goed.

Na de lunch is Ostberg (aanklager) weer eens present.

Getuige nr. 10 doet zijn opwachting, ene luitenant Koster. Hij was van jan. '95 tot juli '95 logistics officer in Srebrenica.

Hij moet vertellen hoe het was in Potocari, binnen in de compound op de 11 juli toen de vluchtelingen binnenkwamen, eerst in groepjes, toen in honderdtallen. Meest vrouwen, kinderen en oudjes. Hij, Koster, vormde een unit van 30 man om ze te helpen. Hij was commandant van die unit, ze vormden een gat in het hek om de vluchtelingen binnen te laten omdat de normale toegang onder vuur van de Serven lag. Later op de dag werden het teveel mensen en vonden ze onderdak voor hen buiten de compound. Ze kwamen lopend en op VN-wagens aan. Ostberg laat alles goed in details beschrijven om de 'aanzwellende massa's' goed tot ons door te laten dringen.

Koster: Aan het eind van de dag waren er zo'n 15.000 mensen aangekomen.

En in de compound 4 à 5000, dus totaal zo'n 20.000. We kregen daarom versterking en onze groep bestond toen uit 60 à 70 man.

We hadden te weinig medische zorg, te weinig medicijnen, er waren wat vrouwen die moesten bevallen, we mixten onze voedselrantsoenen met water en buiten de compound hadden ze een bron waar ze water uit konden

halen.

Ostberg: Waren er aanvallen van de BSA?

Koster: Ja, het mortier vuur ging de hele dag door. (Dus er werd nog steeds gevochten, klopt ook met wat Mladić zei tegen Karremans. En dat hoeft dus niet te betekenen dat het executies waren, wat straks heel suggestief aangeduid zal worden m.b.v. de volgende getuige, die niet al te snugger lijkt en makkelijk woorden in de mond te leggen valt.EK)

Ostberg: Er werd niet direct op de mensen gevraagd?

Koster: Nee.

Ostberg: Hoeveel man hadden jullie als Dutch bataillon?

Koster: + 200 man. Rest zal in de O.P.'s, klein deel in compound van Srebrenica. We konden die nacht van de 11de niet slapen, te druk met geluid van de mensen.

Ostberg: Wat gebeurde er op 12 juli?

Koster: Het begon rustig. We gaven wat medische hulp, want er kwamen nog steeds gewonden aan. (Werd er nog gevochten???) Rond 13 uur kwamen en geluiden van tanks en Armoured Personnel Carriers (APC's). We dachten dat die hierheen kwamen. We wachtten en ze kwamen in onze richting. We maakten toen een demarcatielijn voor de BSA. Van rood-witte tape. Daar bleven ze achter(!!!)

Het spijt me voor deze onderbreking, maar ik moet effe iets kwijt. Dus ze bleven achter een demarcatielijn van tape, ja van tape, met hun overmacht en alles! Wie hielden zich nu niet aan de regels, de VN die die 'enclaves' nooit ontwapend had, of de Bosnische Serven die met al hun overmacht op dat moment achter een lijntje van rood-witte tape bleven staan. Mijn hemel, waarom valt dit nu geen enkele journalist op. Waarom ben ik toch weer de enige idioot die hoort wat deze luitenant eigenlijk te zeggen heeft??

De officier die het commando had stelde zich aan mij voor. Toen waren er 20 tot 30 Serven op de weg, ze keken naar de mensen en zeiden wat tegen ze. of lachten. Ze zaten er, ze bleven achter de tape. Majoor Nikolic kwam later op de dag, wou bij de mensen kijken. Er kwam later op de dag een wagen met brood met een camerateam, dat werd uitgedeeld en dat werd gefilmd. Onderwijl scholden de Serven op de vluchtelingen. Toen kwam er een brandweerwagen met water en mochten ze een voor een drinken halen. Ook dat werd gefilmd. Om 16 uur kwamen nog meer troepen en wagens. Toen kwam ook Mladić, die stelde zich voor. Ik vroeg wat hij van plan was, maar hij zei niets. Hij liep over de lijn heen, naar de mensen. Mladić moest ik naar Karremans zenden. Mladić zei: "Ik doe wat ik wil, ik ben hier nu in charge." Hij ging toen niet. Hij was geïrriteerd omdat ik vroeg wat hij zou doen. De Serven trokken enkele van mijn mannen weg. De moslims werd verteld dat ze naar de bussen moesten. Er waren nu 40 tot 50 Serven, later kwamen er meer. Ook met honden.

Ostberg: Was u outnumbered?

Koster: Ja. We konden niets anders doen dan bij de mensen blijven. Ik hoorde later dat we mannen in jeeps meezonden. Later niet meer, de jeeps waren gestolen.

Ostberg: Werden de sexen gescheiden?

Koster: Ja, ze zochten naar mannen in weerbare leeftijd. We zagen mannen in een huis zitten en wachten. We zagen alleen dat. Na het eerste transport verloor ik Mladić uit het oog. Om + 17 uur kwamen de bussen, dat eindigde rond 22 uur.

Ostberg: Hoeveel mensen waren er toen weg?

Koster: Geen idee.

Ostberg: Werd er iemand uit de compound gehaald?

Koster: Dat kon ik niet zien.

's Nachts moesten we de weg vrijmaken. Onze wapens en helmen werden weggehaald. At gunfire...yes. (Hij wil zeggen: we moesten onze wapens afgeven anders kregen we een geweer tegen onze borst geduwd.) Op de 13de juli kwamen er bussen vanaf 7 uur, toen kwamen er ook weer Serven, en weer transporten, hele dag. Er werd niet op onze mannen geschoten, wel hoorden we schieten uit de huizen(westzijde). Ook werden nog steeds mannen van weerbare leeftijd gescheiden. We protesteerden toen een 19-jarige jongen werd gescheiden. (Tja, die kan ook een

geweer vasthouden, jonge luitenant.) Toen mocht hij weer terug naar zijn familie.

Om 18 uur op de 13de juli was iedereen geëvacueerd.

Ostberg: Zag u enige gewelddadigheden op de 13de?

Koster: Nee, ik niet. We hoorden enkele schoten en we hoorden rumours (geruchten) dat er 8 of 9 lijken waren, dat werd in de compound verteld. (HOe wist men dat in de compound??) We onderzochten dat en vonden + 500 meter buiten de compound 9 lijken in het veld liggen. Daarvan maakten we foto's. 7 van hen waren in hun rug geschoten.

En nu denkt de lezer natuurlijk, dat we die foto's als bewijsmateriaal te zien kregen. Nou, u vergist zich deerlijk, want wat ieder normaal mens verwacht, daar wordt in dit Tribunaal niet eens naar gevraagd. En weer geen journalist die het opvalt dat we die foto's, zowat het enige echt tastbare bewijs tégen Mladić, niet te zien krijgen. Het beroemde 'mislukte' rolletje?? Waarom kreeg ik die foto's niet te zien? blijft door me heen spelen.

Ostberg: Hoorde u die schoten?

Koster: Nee, we hoorden enkele schoten gedurende de dag. In de morgen had een man zich opgehangen aan het plafond, verder zagen we niets.

Binnen en buiten de compound was iedereen weg. In de nacht van de 12e op de 13e zag ik Mladic langsrijden in een jeep, 1x naar Srebrenica, 1x richting Potocari.

Nu moet Koster vertellen welke taken hij had met de gewonden en voorbereiding van vertrek. Hoeveel hij kwijtgeraakt was moet ook verteld: enkele jeeps, wat wapens, wat APC's, heb ze niet geteld, wat helmen. Weet niet. Op 21 juli gingen we weg.

De rechters gaan weer hun oerdomme vragen stellen:

Costa Rica rechter: Verwachtte u 15.000 mensen, en kreeg u genoeg supprt van de VN?

Koster: Nee, we hadden van alles te weinig.

Costa r.: Wat gebeurde er met hen toen de Serven kwamen? (Heb je niet zitten luisteren, dame?)

Koster: Ze waren bang. Hen werden niets misdaan of zoiets, geen misdragingen door de Serven.

CostaR.: Hoorde u van de massacres (slachtingen)?

Koster: Nee. Alleen woensdag een gerucht over 8 of 9 lijken. Alleen toen ik thuis was hoorde ik over massacres via het nieuws!!

Costa R.: Zei iemand van jullie 'nee' tegen de evacuatie?

Koster: Weet ik niet.

Costa R.: Maar ze stonden onder uw commando!!

Koster: We konden geen nee zeggen, ze waren met teveel (de Serven) en we werden weggeduwd. (in de zaal wordt honend gegniffeld. Het lijkt of niemand enig begrip wil opbrengen voor deze jongens, waarvan velen de 20 nauwelijks gepasseerd waren, nooit in een oorlogssituatie waren geweest, totaal overonderd waren door de overrompelingstactiek van de moslims, want die werd zéker toegepast, waarvan sommigen nog voor het eerst van hun leven zwaargewonden en bevallingen moesten zien. Hopelijk maken deze 'mensen' van de media ooit nog eens zèlf zoiets mee, dan zal ik pas lachen.EK)

We werden niet direct bedreigd, maar ons werd verteld om te coöpereren, "anders zullen jullie zien wat er gaat gebeuren" zei Mladić.

Er werden geen mannen op basis van een lijst meegenomen. Wij maakten die lijst om de Serven te laten weten dat we ze in de gaten hielden. Het was gemaakt door het comitee van vluchtelingen en is niet aan de Serven gegeven, voorzover ik weet.

R. Jorda: Toen de mannen die met de jeeps gegijzeld waren, terugkeerden, vertelden zij wat?

Koster: Nee, ze wisten niets.

R. Jorda: Zagen ze niets?

Koster: Nee, ze hadden het te druk gehad. (Het publiek lacht Koster nu uit.)

De volgende getuige is een heel jonge knul, die niemand durft aan te kijken. Hij krijgt een dame die alles voor hem in het Nederlands vertaalt. Hij durft het

kennelijk niet aan in het Engels. Hij heet Korporaal Groenewegen. Hij is nu plaatsvervangend korporaal in de infanterie. Hij diende van jan '94 tot juli '95 in Potocari in de Charley compangy. Er was daar 1 compagnie. Zijn taken waren patrouillelopen, wachtlopen vanuit een Observation Post. Hij vertelt zijn dagelijkse taken. Er waren 2 soorten patrouilles; de grens-patrouilles, om te kijken of de partijen zich aan de afspraken hielden, en de sociale patrouilles, om het contact met de bevolking te onderhouden en de situatie in de enclave waar te nemen.

Eindelijk krijgen we weer een kaartje te zien, het is toch al opvallend dat we vandaag, juist nu het zo nodig was, bijna geen kaarten te zien krijgen! Tja, als je wat te verbergen hebt, iemand zou naar onbestemde gebieden kunnen vragen, of terloops de BAndera-driehoek kunnen aanwijzen, en wat dan? Exhibit 60 is een kaartje van de enclave, waar Groenewegen zijn OP moet aanwijzen.

Hij vertelt dat hij het werk wel leuk vond eerst, hij had niet veel te doen. Er was ook geen weerstand of zo van de Serven de eerste maanden. Later wijzigde zich de situatie, En let nu op want nu gaat hij Karremans tegenspreken!, want de laatste maand (en dus niet vanaf april, zoals Karremans zei!!!,) hielden de Serven de konvooien tegen. We konden toen niet meer werken, gebrek aanvoedsel, brandstof.

Eind juni-begin juli zat hij op OP 'M' (Mike) in het legerjargon. Toen de Serven binnenkwamen gebaarden de Serven 'ga weg'. In de ochtend van de 10e juli was dat. Het waren + 10 Serven die dat deden. Hij kon niet zien hoe ze gewapend waren. Hij kon wel horen wat ze zeiden, dat kwam neer op 'Wegwezen'. Dat duurde 10 tot 15 minuten. Ze richtten de mortieren tegen de OP. Na dat dreigement begonnen ze te schieten. Met zo'n 20 salvo's in een paar uur. Die dag bleven ze met 10 man in de bunker. Via de communicatie wisten ze dat ook andere OP's waren aangevallen. Het schieten duurde vooral overdag, bijna geen schieten in de nacht.

Op de 11de juli werd ik 's middags naar de compound gehaald, aldus Groenewegen.

Aanklager: Hoe was de situatie daar?

Groenewegen: Gespannen. (Deze één-woord antwoorden zijn kenmerkend voor Groenewegen, die daarbij voortdurend naar een onbestemd punt op de grond kijkt. Ik krijg medelijden met deze jonge knul, wat staat hij onder druk!) Ik moest met 30 tot 50 man een lijn vormen om de vluchtelingen op te vangen, die overal liepen en dat mocht niet. We moesten op een gegeven moment de vluchtelingen die niet meer in de compound konden opvangen in fabriekjes en andere gebouwtjes en huizen. Ik zag hoe mensen zichzelf verwondden om in de compound toegelaten te worden. Het weer was erg warm, we zorgden zoveel als kon voor water. De eerste Servische soldaten kwamen uit het noorden aan, uit de richting van Bratunac. Ze waren niet volgens voorschrift gekleed, maar in een samenraapsel van camouflagekleding. Ze droegen allerlei bewapening, wat ze maar hadden.

Nogmaals, alles gaat via vragen van de aanklager waarop Groenewegen bijna alleen maar met ja of nee hoeft te antwoorden. Het is kennelijk terdege voorbereid allemaal.

Aankl.: Zag u schieten?

Groenewegen: Ja, aan de rand van de enclave.

Aankl.: Hoorde u terugschieten?

Groenew.: Nee, 1 partij loste enkele schoten.

En zo gaat dat dus de hele tijd door, vandaar dat ik maar liever het hele relaas in één keer opschrijf.

Groenew.: Later kwamen nog andere soldaten, 10 tot 15 minuten later. Met reguliere uniformen en veel cameragroepen. Het leek wel afgesproken, eerst die irregulars, dan de normalen met de cameragroepen. Ze filmde vooral het contact met de Serven en de bevolking. We hadden ongeveer 2500 vluchtelingen in de compound. (Hè, daarnet nog 4 à 5000?) Tot de evacuatie begon werden de mensen vrijwel met rust gelaten door de Serven.

Nu moet hij weer praten over het beroemde scheiden van mannen en vrouwen.

Groenew.: meestal namen 4 Serven zo'n 1 of 2 mannen mee, die werden dan naar een huis meegenomen tot de verdieping vol was, dan werden ze gedeporteerd. Ik kon in het huis kijken omdat een deel van de muur weggeslagen was.

Maar ik heb er niet constant op gelet.

Aanklager: Zag u op 13 juli een 'killing'?

Groenewegen: Ja. Hij oet nu op een videobeeld aanwijzen waar hij dat zag. Het gebeurde achter het huis dat hij aanwijst. 4 Soldaten hadden 1 man meegenomen, even later hoorde ik geschreeuw, toen ik daarop opkeek zag ik dat groepje en dat de man om de hoek werd doodgeschoten. De man was niet bewapend, ik kon niet zien of hij verzet pleegde. (HOe in vredesnaam kon hij dan wel zien dat hij om de hoek doodgeschoten werd. Het is volledig aannemelijk, maar echt gezien heb je het dan niet.) Toen ik achter het huis keek, zag ik de mannen naar die kant kijken, Serven, maar die gingen gauw weer verder met hun bezigheden. Hij was door het hoofd geschoten met een AK. Met 1 schot. Ze hadden het lijk niet meegenomen.

Aanklager: Hoorde u constant dergelijke losse schoten op 13 juli?

Groenew.: Ja, zo'n 20 tot 40 per uur. De schoten kwamen vooral uit het gebied met de huizen. Het waren losse schoten. De Serven waren niet bezorgd om die losse schoten. Het was geen geluid van 'combat' (gevechten).

Aankl.: Kunt u Mladić herkennen?

Groenew.: Ja, van het nieuws, van briefing, ik zag hem ook in Potocari, $\pm$ 4 keer. Op 13 juli zag ik hem de hele dag. Hij praatte alleen met zijn eigen mensen.

Aankl.: Was hij de situatie meester?

Groenew.: Ja, en toen op die dag werden de mannen van de vrouwen gescheiden.

Aankl.: Was dat ook de dag van de executie?

Groenew.: Ja, en toen hoorden we ook die enkele schoten steeds.

Aankl.: Ging u na wat die schoten waren?

Groenew.: Nee, we hadden onze vermoedens. En als we vragen stelden kregen we geen antwoord. Het was zo'n chaos, veel te druk met alles.

En weer gegniffel in de zaal. Alsof de jongen zich al niet erg genoeg schaamt.

Zo, dat was het deze keer. Ik ben eerder weggegaan, met mij Branka. Er kwam nog wel een getuige, maar dan zou het avondwerk zijn geworden, en we waren al redelijk murw. Gelukkig had Branka nog net de ingelast persconferentie meegenomen, vlak na de laatste koffiepauze in de middag. Ik zat al heel ijverig in de zaal. Het grote nieuws was, dat maandag en vrijdag de 8ste en 9de juli de zaak Erdemović niet zou doorgaan, omdat deze man eerst door psychiaters moest onderzocht. Waarschijnlijk is hij nu te ziek, hij lijdt aan post-traumatisch stresssyndroom, zegt men, om terecht te kunnen staan. En nu komt dan weer zoiets totaal inconsequents: hij is echter niet te ziek en kennelijk betrouwbaar genoeg om morgen wel tegen Mladić te kunnen getuigen!!! Ik sloeg steil achterover. Maar de dag daarop zouden er nog wel meer dingen gebeuren, die me steil achterover zouden doen slaan. Want de volgende lichterding advocaten van Karadžić diende zich aan, en die werden natuurlijk ook weer de laan uitgestuurd! Met allerlei regeltjes, waar ze zich dan zeer strikt aan houden, als het uitkomt. Dit Tribunaal doet me steeds vaker denken aan de Turkse militaire rechtbanken, waar allerlei politiek ongewensten van het Turkse regime, linkse journalisten, Koerden, vakbondsmensen, linkse leraren etc. terecht moeten staan. Vaak mogen ze zelfs niet aanwezig zijn, bijna nooit hun advocaten, en die krijgen ook geen stukken of zo. Het zijn processen in het 'duister', waarbij de uitspraak al bij voorbaat vast schijnt te staan. En dat zijn dan nog de geluksvogels, de echte pechvogels verdwijnen spoorloos als ze door de politie zijn opgepakt. De aanmatigende en insinuerende manier van ondervragen van vooral 'rechter' Riad, doet mij vrezen dat iets van dergelijke rechtsspraak uit Turkije en andere

islamitische landen het Tribunaal gaan binnensluipen. Ook is het opmerkelijk hoe gemakkelijk dit Tribunaal toch met zijn zelfgemaakte regels kan omgaan: als er advocaten die ongewenst zijn en waar was dat ooit in een propere rechtsstaat mogelijk, dat een advocaat ongewenst is, verschijnen durven, dan weet men zeer strikt de regels te handhaven. Maar na het weekend lees je dan op teletekst dat het mogelijk is om Karadžić bij verstek te veroordelen, mocht hij niet opgepakt kunnen worden, alleen moeten daneven wat regels van het Tribunaal veranderd worden. Oh, dus dat gaat dan wel even, ja, wat kun je anders verwachten van een orgaan waar de Trias Politica met voeten getreden werd. Want de rechters maken de regels van het Tribunaal, de wetgevende macht dus, de rechters spreken 'recht' aan de hand van die regels, de rechtsprekende macht dus, en vervolgens past hetzelfde orgaan via het UN Detention Centre de straf toe, de uitvoerende en handhavende macht dus. Zij zijn dus niet gescheiden. Elke rechtsstaat in de Westerse wereld is geschapen op basis van de Trias Politica, en als dat gaat 'glijden' merk je dat je naar een dictatuur glijdt. Dat is algemeen erkend. Maar in de rechtspraak van de internationale gemeenschap, die gevleugelde uitdrukking, is geen scheiding van machten of functies van node lijkt het wel. Als er geen machten zijn omdat het hier geen staten betreft, dan is een scheiding van functies wellicht toch het minste wat je hiervan mag verwachten? Alleen al voor de nodige controle. Maar genoeg gepraat en gedacht, want mijn maagzweer, ja ik heb er een, gaat opspelen.

Rest mij op te merken dat ik alleen voor de executies van 1 + 9 man = 10 man enigszins bewijs heb gehoord, maar niet gezien. Hoe ze in vredesnaam al die 8000 doden tevoorschijn gaan toveren is me een raadsel. Wellicht opgegraven Servische lijken die straks in en rond Srebrenica begraven worden, waarna met groot mediakabaal weer 'gevonden' als moslimlijken?? Misschien mag ik dat niet denken, maar soms...

Rotterdam, de 9de juli 1996.



Wednesday 14 June 2007

In Security Council:

Russia's Vladimir Lukin said the Tribunal
was anti-Serb in character, operated under sealed
indictment and used NATO forces to capture suspects,
sometimes resulting in deaths

→ Russia kept stating in letter byz byz
at Tribunal.

"This situation cannot be seen as being normal.
The function of this temporary body cannot
be justified," he said.

van holst en steijnen

From: Despotovic Ruza <despot@wishmail.net>
To: DOLF Loth <dolfloth@hotmail.com>; Nico /Neeltje Steijnen <n.h.van.holst@freeler.nl>; Ksenija Sigulinski <sigu@worldonline.nl>; Ruza Despotovic <ruzad@ggzba.nl>
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From: petar <petar@m...>
Date: Wed Jan 31, 2001 4:51am
Subject: Tribunal on Trial, by James Bissett

The Ottawa Citizen
 January 30, 2001
 Argument & Observation, Page A19

TRIBUNAL ON TRIAL, by. James Bissett

Carla Del Ponte, the Chief Prosecutor of The International Criminal Tribunal for Yugoslavia [ICTY] was in Belgrade on Tuesday of this week demanding that President Kostunica hand over Slobodan Milosovic so that he might stand trial before her Tribunal in The Hague. NATO countries and the western media have been vocal in insisting that Milosovic be surrendered to the court. It will be difficult for the new democratic authorities in Yugoslavia to refuse to do so. Economic and financial help to rebuild what the NATO bombing has destroyed will undoubtedly be conditional on cooperation with the Tribunal. Moreover, there are many Serbs in addition to his political enemies who would be happy to see the end of the man many believe responsible for the disasters that has overtaken Yugoslavia since 1990.

Nevertheless, it would appear that the President Kostunica has serious misgivings about the independence and impartiality of the Hague Tribunal. He is not alone in this. From its inception there has been doubts about the legitimacy of the Tribunal. It was not established by treaty or by the General Assembly of the United Nations as would normally be required for such a court. The Security Council alone established the Tribunal and only after heavy lobbying by the government of the United States. Whatever the legitimacy of the Tribunal, there is strong evidence to believe the Tribunal was established more to satisfy political goals than to bring war criminals to justice.

Certainly the performance of the Tribunal so far has displayed more of the characteristics of a medieval Star Chamber than an independent judicial body. A number of those who have been secretly indicted by the Tribunal have been kidnapped by armed thugs and transported against their will to The Hague to wait in detention for months or years for trial without benefit of bail. They are then required to face unknown and often hidden accusers before a Tribunal that acts as both prosecutor and judge. There is no jury. If the prisoner confesses while in custody, the confession is presumed to be voluntary. The trial may even be held in secret.

The Tribunal had a firm policy not to reveal the names of those on its indictment list. Yet Louise Arbour, the former Chief Prosecutor violated this policy when she publicly announced the indictment of Milosovic during

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the NATO bombing of Yugoslavia. There seems little doubt the announcement was timed to bolster sagging public support for the bombing. After all, who would dare oppose the bombing of a country whose leader had been indicted as a war criminal? That Louise Arbour would violate the Tribunal's policy is not surprising. Her appointment to the Tribunal was conditional upon receiving the approval of Madeline Albright.

It is also significant that the indictment against Milosovic did not include crimes he might have committed during the Bosnian conflict but was confined to allegations about crimes in Kosovo. It would not do to have the man Madeline Albright hailed as, "a man of peace," at the time of the Dayton Accords, indicted for crimes in Bosnia after he had played such a pivotal role in bringing about an end to the bloodshed there.

. At the center of the indictment against Milosovic was the infamous "Racic Massacre," alleging that Serbian security forces had murdered in cold blood forty-five Kosovo Albanian civilians. Madeline Albright has described the "Racic Massacre" as the galvanizing event leading to the air war against Yugoslavia. However, the final report published last week by the Finnish forensic experts who examined the bodies of the alleged victims confirms what many suspected at the time- that there was no evidence to show the bodies discovered in the shallow trench by United States general William Walker were executed at close range. It seems the victims were armed members of the KLA who were killed in the fighting that had taken place in the hills above Racac the day before. Their bodies had been placed in the trench to simulate a massacre. This would suggest that at least some of the evidence against Milosovic presented by the United States to the Tribunal to support his indictment has been fabricated.

Article sixteen of the statute setting up the Tribunal stipulates that the Prosecutor, "shall not receive instruction from any government or any other source." Yet the record of close cooperation between the Tribunal and the government of the United States suggests this article has not been respected by the Tribunal. Moreover although it is the United Nations that was to finance the Tribunal it is in fact United States money that has enabled the Tribunal to carry out its operations, thus compromising any claim of independence by the Tribunal.

The Tribunal has also been remarkably selective about who it has indicted. Almost all those so far indicted have been Serbs. To my knowledge no Muslims have yet been brought before the Tribunal. The notorious Naser Oric has not been indicted. He was the leader of the Muslim paramilitary forces in Srebrenica who used this UN safe haven as a base to raid neighboring Serbian villages and butcher all of the elderly inhabitants who were unable to flee. Oric has openly boasted to journalists of these atrocities and they are well documented but nothing has been done. Oric is managing a bistro in Tuzla numbering among his customer's UN peacekeepers.

Another individual well known to the Tribunal is Agim Ceku, an Albanian from Kosovo, who led the Croatian forces that in September, 1993 overran Serbian villages in the Medak pocket being protected by Canadian peace keepers. After a firefight, the Princess Patricia's Canadian Light Infantry retook the villages only to find that dreadful atrocities had been committed against Serbian civilians. Two years later Agim Ceku led Croatian forces in the infamous "Operation Storm," that "cleansed" Croatia of its entire Serbian population. The Tribunal has not indicted Agim Ceku. On the contrary, NATO has rewarded him by appointing him commander of the Albanian security forces in Kosovo.

The most serious charge against the War Crimes Tribunal has been its adamant refusal to indict NATO leaders for violating international law and the United Nations Charter by waging aggressive war against a sovereign state without UN approval. Repeated demands by eminent lawyers from around the world have been in vain. The Tribunal has refused to accept that the bombing of civilian targets, the employment of weapons containing depleted uranium and the use of cluster bombs was a crime.

There is no question that former Yugoslav President Milosovic should face trial. Nevertheless it is unfortunate that should he go to The Hague it will be seen as an endorsement of a Tribunal that represents everything an independent international court should not be. It has been a Tribunal dominated and paid for by its political masters. It has been a Tribunal that by any standard of measurement has been a travesty of justice. It has been a Tribunal that has sacrificed basic principals of law and due process to act as a willing tool for the achievement of US political goals and as an apologist for NATO's political blunders in the Balkans. Let us hope that the new International Criminal Court that may soon come into existence can do better.

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CounterPunch

edited by alexander cockburn and jeffrey st. clair

IN THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

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

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

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

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IN THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

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

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

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

WHEREAS the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 was established by the UN Security Council with *"the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of"* its Statute (Article 1);

AND WHEREAS by Article 2 of the said Statute, the Tribunal has the power *"to*

prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention" including the following:

- (a) wilful killing;
- (c) wilfully causing great suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

AND WHEREAS by Article 3 of the said Statute, *"the International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:*

- (a) employment of poisonous weapons or other weapons to cause unnecessary suffering;*
- (b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;*
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;*
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science.*

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

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

- 1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.*
- 2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility or mitigate punishment.*
- 3. The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.*
- 4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.*

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

AND WHEREAS by Article 9 of the said Statute *"the International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for*

serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991" but the International Tribunal "shall have primacy over national courts;"

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

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.
2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.
4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

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

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

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

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

AND WHEREAS High Commissioner Robinson also stated in her speech:

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

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

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

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

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

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

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

AND WHEREAS, though the above-named NATO leaders have claimed that these incidents were accidents, they have also admitted that they were an inevitable result of their bombing strategy, a strategy which they appear to have continued unmodified and even to have intensified throughout these incidents;

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

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

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

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

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

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

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

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

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

Article 2

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Article 33

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

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 39

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

Article 41

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

Article 42

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

Article 51

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

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

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

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

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

Article 1

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

Article 7

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

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

Art 51. - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

- (a) those which are not directed at a specific military objective;*
- (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or*
- (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;*

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

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

- (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives*

located in a city, town, village or other area containing a similar concentration of civilians or civilian objects;

and

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

Art 79. Measures or protection for journalists

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

Article 85 - Repression of breaches of this Protocol

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

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

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

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

Principle III

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

Principle IV

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

Principle VI

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

(a) Crimes against peace:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;*
- (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).*

(b) War crimes:

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

Principle VII

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

THEREFORE we respectfully request that the Prosecutor immediately

investigate and indict for serious crimes against international humanitarian law:

THE FOLLOWING HEADS OF STATE AND GOVERNMENT, MINISTERS OF FOREIGN AFFAIRS AND MINISTERS OF DEFENCE OF THE NATO COUNTRIES: William J. Clinton, Madeleine Albright, William S. Cohen (United States of America), Tony Blair, Robin Cook, George Robertson (United Kingdom), Jean Chrétien, Lloyd Axworthy, Arthur Eggleton (Canada), Jean-Luc Dehaene, E. Derycke, J.-P. Poncelet (Belgium), Vaclav Havel, J. Kavan, V. Vetchy (Czech Republic), Poul Nyrup Rasmussen, N.H. Petersen, H. Haekkerup (Denmark), Jacques Chirac, Lionel Jospin, H. Védrine, Alain Richard (France), Gerhard Schröder, J. Fischer, R. Scharping (Germany), Kostas Simitis, G. Papandreou, A. Tsouhazopoulos (Greece), Viktor Orban, J. Martonyi, J. Szabo (Hungary), David Oddsson, H. Asgrimsson, G. Palsson (Iceland), Massimo D'Alema, L. Dini, C. Scognamiglio (Italy), Jean-Claude Juncker, J. Poos, Alex Bodry (Luxembourg), Willem Kok, J. van Aartsen, F.H.G. de Grave (Netherlands), Kjell Magne Bondevik, K. Vollebæk, D.J. Fjærvoll (Norway), Jerzy Buzek, B. Geremek, J. Onyszkiewicz (Poland), Antonio Manuel de Oliveira Guterres, J.J. Matos da Gama, V. Simão (Portugal), Jose Maria Aznar, A. Matutes, E. Serra Rexach (Spain), Bulent Ecevit, I. Cem and H. S. Turk (Turkey);

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

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

Respectfully submitted, this 6th day of May,
1999

Michael Mandel
(Professor)
for
W. Neil Brooks
Judith A. Fudge
H. J. Glasbeck
Reuben A. Hasson
(Professors)
Sil Salvaterra
David Jacobs
Brian Shell
Christopher Black
John Philpot
Fred Stasiuk
(Barristers and Solicitors)
Peter Rosenthal
(Professor, Barrister and Solicitor)
Roberto Bergalli (Professor)
Alejandro Teitelbaum
Alvaro Ramirez Gonzalez
Vanessa Ramos
Beinusz Szmukler
(American Association of Jurists)

ANNEX: CIVILIAN DEATH AND DESTRUCTION IN THE FORMER YUGOSLAVIA

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

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

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

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

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

KILLING AND PLIGHT OF THE CIVILIANS

During the last thirty-six days of NATO aggression, the Federal Republic of Yugoslavia has been exposed to extensive civilian destruction, unprecedented in modern history of the world. NATO aggressors have focused their attacks primarily on civilian targets, directly threatening the lives and fundamental human rights of the entire population of the Federal Republic of Yugoslavia. By bombing relentlessly the cities, towns and villages throughout Yugoslavia, the NATO aggressor has killed so far, in nine hundred attacks, more than a thousand civilians, including a great number of children. Over five thousand people sustained injuries, many of whom will remain crippled for life. At the same time, several thousand private homes and flats have been ruined, mostly in Belgrade, Nis, Cuprija, Aleksinac, Pristina, etc. We shall present the most tragic instances of the killings and plight of the innocent civilian population. Fifty-five passengers were killed and twenty-six injured in an international passenger train on the Belgrade-Thessaloniki line. More than four hundred civilians were killed by NATO bombs in Kosmet: in the centre of Pristina, in Djakovica, Prizren, Kosovo Polje, Urosevac, Kosovska Mitrovica, in refugee camps in Orahovac and Srbica, Vitina, etc.

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

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

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

KILLING OF CHILDREN

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

following examples:

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

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

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

The death of a child in Kosovo Polje;

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

The killing of nine children in Kursumlija;

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

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

KILLING AND PLIGHT OF REFUGEES

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

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

BOMBING OF SURDULICA

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

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

An assassination attempt on the President of the Federal Republic of

Yugoslavia on 22 April 1999 represents an organised terrorist act without precedent in the history of modern Europe. This is not only a crime against a Head of a sovereign State, but primarily an attack on the democratically expressed will of a people and thus against the foundations of the democratic values of the civilisation. Although the residence of the President of the Federal Republic of Yugoslavia was targeted, this attack has also a symbolic meaning as if the targets had been the homes of all Yugoslav citizens. This crime has caused abhorrence and condemnation by international public. However, it is incomprehensible that the United Nations Security Council has remained silent and failed to condemn this terrorist act or the killings of civilians and children.

CRIME AGAINST THE FREEDOM OF SPEECH

The destruction of more than ten private radio and television stations, two dozen TV transmitters, as well as the bombing of the Radio and Television of Serbia building on 23 April 1999 represents the biggest aggression against freedom of thought and a disgrace to the civilization at the threshold of a third millennium. Transmitters at Iriski venac, Krnjaca, Mt Cer, Bukulja, Tornik, Crni vrh, Jasetrebac, Ovcara, Grnija and others were destroyed, so that the transmitter infrastructure at the entire territory of Serbia was severely damaged. Two times in six days the studios and transmitter located at the business centre "Usce" which housed TV stations: BK TV, Pink, Kosava and SOS Channel, as well as several other radio stations were bombed.

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

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

BOMBING OF THE BUILDING OF THE RADIO AND

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

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

DESTRUCTION OF VITAL YUGOSLAV ECONOMIC FACILITIES

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

Kraljevo, Valjevo, Pristina, Vranje, Kursumlija, Krusevac, Kula, Gnjilane, Sremska Mitrovica and in other towns and cities. The petrochemical industry of the Federal Republic of Yugoslavia has been totally destroyed, as well as the largest Yugoslav factory of artificial fertilisers. Private entrepreneurs are a particular target of NATO aggression and the most glaring example of it is the destruction of the "Usce" business centre in Novi Beograd which was hit on 21 and 27 April 1999. That was one of the biggest business centres in the Balkans, which housed more than a hundred newly established private firms in full business expansion, foreign representative offices, seven private Radio and TV stations and one of the most modern poli-clinics in the FRY. The building of this business centre is also one of the landmarks of modern Belgrade.

DESTRUCTION OF BRIDGES

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

About 30 bridges have been destroyed including those at the strategic European E-75 corridor. By the destruction of the bridges on the Danube river the aggressors have blocked the entire river navigation at this traffic artery of the greatest importance for European economy and the shortest link between the Northern and Mediterranean sea (The Rhein-Mein-Danube route). Thus, the European shipping companies suffer each day the damage of over 20 million DM.

Examples: Sloboda Bridge, Wailing Bridge, Zvezlj Bridge and the bridge in Beska (all in the city of Novi Sad), several bridges on the Ibar primary road and on the major railway lines.

ENVIRONMENTAL DISASTER

Concurrently with the humanitarian, NATO strikes have caused an environmental catastrophe which is endangering not only the Federal Republic of Yugoslavia, but also the neighbouring countries and the entire European continent. Ecology does not recognize boundaries. The NATO aggressor is thus teetering on the brink of another Chernobyl in the heart of Europe. The destruction of petrochemical installations, the warehouses storing semi-processed and finished products of the chemical industry have already caused significant adverse effects on the health of the population of the Federal Republic of Yugoslavia and the neighbouring countries. During some of the air strikes it was pure luck that an environmental catastrophe was not provoked spreading all over Europe. The aggressor's attacks did not spare even huge forests, tourist centres and the national parks on the mountains of Serbia (Kopaonik, Zlatibor, Divcibare, Tara, Prokletije, Sara, Fruska Gora). The ozone layer was depleted by the exhaust gases. The Black Sea, Aegean and the Adriatic basins, practically the entire Mediterranean, are threatened by environmental pollution.

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

HOSPITALS AND HEALTH INSTITUTIONS

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

DESTRUCTION OF PRE-SCHOOL INSTITUTIONS, SCHOOLS AND UNIVERSITIES

Since the outset of the aggression, NATO has put a stop to the education of close to one million pupils and students in Yugoslavia. Over three hundred facilities built for the education and upbringing of children and young people of all ages were destroyed. This will inevitably be reflected on the development and social integration of young people. Hard hit are university centre in Nis (Machine Engineering, Civil Engineering, Electronical, Technical, Law and Economics faculties), in Pristina (Agricultural and Machine Engineering faculty) and Novi Sad (Faculty of Philosophy).

DESTRUCTION OF WORLD CULTURAL HERITAGE ON THE SOIL OF THE FR OF YUGOSLAVIA

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

USE OF PROHIBITED WEAPONS

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

CO-ORDINATION BETWEEN NATO AND TERRORISTS OF THE SO-

CALLED "KLA"

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

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

CIVILIAN VICTIMS AND DEVASTATION IN NATO AGGRESSION ON YUGOSLAVIA (April 23, 1999)

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

CIVILIAN CASUALTIES

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

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

in Pancevo: 2 dead and 4 wounded;

in Cacak: one dead and 7 wounded;

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

in Vranje: two dead and 23 wounded;

in Aleksinac: 12 dead and more than 40 wounded;

in Nagavac village, Orahovac municipality: 11 dead and 5 wounded;
 in Pristina: 10 dead and 8 wounded;
 Grdelicka gorge: 55 killed and 16 wounded;
 attack on two refugee columns, with four cruise missiles, on the
 Djakovica-Prizren road: 75 killed and 100 wounded, of whom 26 critically;
 in the village of Srbica: 10 killed, among whom 7 children;
 Belgrade suburb of Batajnica: a three year old girl was killed, and
 five civilians wounded.

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

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

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

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

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

TRAFFIC

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

1. BRIDGES (11 DESTROYED AND 13 DAMAGED):

1. The Varadin Bridge over the Danube was destroyed (on 1 April 1999);
2. The "Sloboda" (Freedom) Bridge over the Danube was destroyed (on 4 April 1999);
3. The "Mladosti" (Youth) Bridge over the Danube, connecting Backa Palanka with Ilok, was damaged (on 4 April 1999);
4. The new railway bridge over the Danube connecting Bogojevo and Erdut was damaged (on 5 April 1999);
5. The road bridge over the Danube, connecting Bogojevo with Erdut was damaged (on 5 April 1999);
6. The bridge over the Danube along the Beograd-Novı Sad road, near Beska, Indjija municipality, was damaged (on 1 April 1999);
7. The road bridge along the Magura Belacevac road, 15 kilometres from Pristina, suffered extensive damage;
8. The "Zezeljov" Bridge in Novi Sad was damaged (on 5 April 1999);
9. The bridge over the Ibar river, Biljanovac municipality, was damaged (on 5 - 13 April 1999);
10. The bridge over the Vrbacka river near Jezgrovic was destroyed (on 5 April 1999);
11. The "Lozno" railway bridge near Usce was destroyed (on 5 April 1999);
12. The road bridge on the road leading to Brvenik, near Usce, was

- destroyed (on 5 April 1999);
- 13. The bridge along the Nis-Pristina primary road, near Kursumlija, suffered extensive damage (on 5 April 1999);
- 14. The bridge near Zubin Potok was destroyed (on 5 April 1999);
- 15. The Grdelica gorge railway bridge was damaged (on 12 April 1999);
- 16. The road bridge over the Kosanica river near Kursumlija was damaged (on 13 April 1999);
- 17. The old bridge on the river Rasina in the town of Krusevac (12-13 April 1999);
- 18. The Krusevac-Pojate bridge on the river Zapadna Morava, at the village of Jasika, was destroyed (on 13 April 1999);
- 19. The railway bridge on the river Lim, between Priboj and Prijepolje, near hydroelectric power station Bistrica was destroyed (on 15 April 1999);
- 20. The road bridge on the river Toplica, on the Nis-Pristina road near the town of Kursumlija, was heavily damaged (14 and 19 April 1999);
- 21. The bridge on the river Ibar, at the village of Biljanovac near Raska, sustained heavy damages (15.04.1999.);
- 22. The bridge between Smederevo and Kovin has been destroyed (16 April 1999);
- 23. The railway bridge on the river Kostajnica, near Kursumlija, has sustained heavy damages and is out of service (18.04.1999.);
- 24. The bridge on the river Kosanica, at the village of Selo Visoko, has sustained heavy damages and is out of service (18.04.1999.);

2. RAILWAYS RAILWAY STATIONS (12):

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

3. ROADS AND TRANSPORTERS (6 MAJOR ROADS):

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

fact that the bridge on the river Toplica, near the town of Kursunlija, has sustained heavy damage;

4. AIRPORTS (7):

"Slatina" in Pristina; "Batajnica" and "Surcin" in Belgrade; Nis airport; "Ponikve" in Uzice; "Golubovac" in Podgorica, "Ladjevci" airport near Kraljevo; agricultural and sports airfield in Sombor.

ECONOMIC AND CIVILIAN TARGETS, PUBLIC INSTITUTIONS

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

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

1. INDUSTRY AND TRADE:

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

1. "Lola Utva" agricultural aircraft factory in Pancevo;
2. "Galenika" drug factory in Belgrade;
3. "Zdravlje" pharmaceutical plant in Leskovac;
4. "Sloboda" white goods factory in Cacak;
5. "Din" tobacco industry in Nis;
6. "Elektronska industrija" factory in Nis;
7. "Div" cigarette factory in Vranje;
8. Tubes factory in Urosevac;
9. "Jastrebac" machine industry in Nis;
10. "Milan Blagojevic" chemical plant in Lucani;
11. Plastics factory in Pristina;
12. "Binacka Morava" hydro construction company in Gnjilane;
13. "Nova Jugoslavija" printers in Vranje;
14. Facilities of the "Beograd" rail company in Nis;
15. Over 250 commercial and crafts shops in Djakovica were destroyed;
16. "Dijana" shoe factory in Sremska Mitrovica;
17. "Zastava" car factory in Kragujevac;
18. "14 Oktobar" machine factory in Krusevac;
19. Cotton yarn factory in PriStina;
20. "Krusik" holding corporation in Valjevo;
21. "Ciklonizacija" in Novi Sad;
22. "Tehnogas" in Novi Sad;
23. "Novograp" in Novi Sad;
24. "Gumins" in Novi Sad;
25. "Albus" in Novi Sad;
26. "Petar Drapsin" in Novi Sad;
27. "Motins" in Novi Sad;
28. "Izolacija" in Novi Sad;
29. "Novokabel" in Novi Sad;
30. "Istra" fittings factory in Kula;
31. The port of Bogojevo;
32. Industrial complex "Dvadeset Prvi Maj" in Rakovica;
33. Machine building plant "Industrija Motora Rakovica" in Rakovica;
34. Factory "Jugostroj" in Pancevo;
35. Factory "Frigostroj" in Pancevo;
36. Surface coal mine "Belacevac";

2. REFINERIES AND WAREHOUSES

Refineries and warehouses storing liquid raw materials and chemicals intended for the oil and chemical industry, were hit in Pancevo, Novi Sad, Sombor and elsewhere, causing large contamination of soil and the air:

1. Fuel storage in Lipovica, which caused a great fire in the Lipovica forest (on 26 March 1999);
2. Oil Refinery in Pancevo - totally demolished (4-16 April 1999);
3. "Jugopetrol" installations in Smederevo (on 4-13 April 1999);
4. "Jugopetrol" storage in Sombor (on 7 April 1999);
5. "Beopetrol" storages in Belgrade and Bogutovac (on 4 April 1999);
6. "Beopetrol" fuel storage in Pristina (on 7 April 1999);
7. Fuel storage of the boiler plant in Novi Beograd (on 4 April 1999);
8. Thermo electric power station/boiler plant in Novi Sad (on 5 April 1999);
9. Oil Refinery in Novi Sad, storage of bitumen (5 and 6 April 1999);
10. Fuel storage "Naftagas promet" which is located 10 km from Sombor (5 April 1999);
11. Naftagas warehouse between Conoplje and Kljaicevo (Sombor);
12. Jugopetrol warehouse in Pristina (on 12 April 1999);
13. Jugopetrol petrol station in Pristina (on 13 April 1999);
14. Petrochemical industry "DP HIP PETROHEMIJA" in Pancevo totally demolished (14-15 April 1999);
15. Fertilizer plant "DP HIP AZOTARA" in Pancevo - totally destroyed (14-15 April 1999);
16. Chemical plant "Prva Iskra" in Baric - destruction of the production line (19 April 1999);

3. AGRICULTURE:

1. PIK "Kopaonik" in Kursumlija;
2. PIK "Mladost" in Gnjilane;
3. Agricultural Complex "Malizgan" in Dolac;
4. Agricultural Complex "Djuro Strugar" in Kula;
5. In forest fires caused by NATO cruise missiles and bombs over 250 hectares of forests have been burned down;
6. Several thousand hectares of fertile land, many rivers, lakes and underground waters have been polluted due to the spillage of petrochemical substances, oil spills and slicks;

4. HOSPITALS AND HEALTH CARE CENTRES (16):

NATO aviation also targeted many hospitals and health-care institutions, which have been partially damaged or totally destroyed, including:

Hospital and Medical Centre in the territory in Leskovac;
 Hospital and Poly-clinic in Nis;
 Gerontological Centre in Leskovac;
 General Hospital in Djakovica;
 City Hospital in Novi Sad;
 Gynaecological Hospital and Maternity Ward of the Clinical Centre in Belgrade;
 Neuropsychiatric Ward "Dr. Laza Lazarevic" and Central Pharmacy of the Emergency Centre in Belgrade;
 Army Medical Academy in Belgrade;
 Medical Centre and Ambulance Centre in Aleksinac;
 "Sveti Sava" hospital in Belgrade;

Medical Centre in Kraljevo;
 Dispensary on Mount Zlatibor;
 Health Care Centre in Rakovica;

5. SCHOOLS (MORE THAN 190 FACILITIES)

Over 190 schools, faculties and facilities for students and children were damaged or destroyed (over 20 faculties, 6 collages, 40 secondary and 80 elementary schools, 6 student dormitories), including:

Elementary schools "16. oktobar" and "Vladimir Rolovic" in Belgrade;
 Day-care centre in settlement Petlovo Brdo in Belgrade;
 Two secondary schools in the territory of Nis;
 Elementary schools "Toza Markovic", "Djordje Natosevic", "Veljko Vlahovic", "Sangaj" and "Djuro Danicic" and a day-care centre "Duga" in Novi Sad and creches in Visarionova Street and in the neighbourhood of Sangaj; Traffic School Centre, Faculty of Philosophy;
 Four elementary schools and a Medical high school in the territory of Leskovac;
 Elementary school in Lucane, as well as a larger number of education facilities in the territory of Kosovo and Metohija;
 Faculties of Law and Economics and elementary school "Radoje Domanovic" in Nis;
 Elementary schools in Kraljevo and the villages of Cvetka, Aketa and Ladjevci;
 In Sombor: elementary schools "Ivo Lola Ribar", "A. Mrzovic", "N. Vukicevic" and "Nikola Tesla" in Kljajicevo;
 School centre in Kula;
 Elementary school and Engineering secondary school centre in Rakovica;

6. PUBLIC AND HOUSING FACILITIES (TENS OF THOUSANDS)

Severe damage to the facilities of the Republican and Federal Ministry of the Interior in Belgrade (3 April 1999).
 Damage to the building of the Institute for Security of the Ministry of the Interior in Banjica (3 April 1999);
 Severe damage to the TV RTS studio in Pristina;
 Heavy damage to Hydro-Meteorological Station (Bukulja, near Arandjelovac);
 Post Office in Pristina destroyed (7 April 1999);
 Refugee centre in Pristina destroyed (7 April 1999);
 "Tornik" ski resort on Mount Zlatibor (on 8 April 1999);
 "Divcibare" mountain resort (on 11 April 1999);
 "Baciste" Hotel on Mount Kopaonik (on 12 April 1999);
 City power plant in the town of Krusevac (12-13 April 1999);
 Meteorological Station on Mount Kopaonik damaged (on 13 April 1999);
 Four libraries in Rakovica sustained heavy damage: "Radoje Dakic", "Isidora Sekulic", "Milos Crnjanski" and "Dusan Matic";
 Refugee camp "7 juli" in Paracin has sustained heavy damage;
 Office building of the Provincial Executive Council of Vojvodina, Novi Sad;
 Several thousand housing facilities damaged or destroyed, privately or State owned, across Yugoslavia - most striking examples being housing blocks in downtown Aleksinac and those near Post Office in Pristina.

7. INFRASTRUCTURE:

Electrical Power Supply in Batajnica (26 March 1999);
 Damage to water supply system in Zemun (5 April 1999);
 Damage to a power station in Bogutovac (10 April 1999);
 Telephone lines cut off in Bogutovac (10 April 1999);
 Damage to a power station in Pristina (12 April 1999);
 Damage to Bistrica hydroelectric power station in Polinje (13 April 1999);

TELECOMMUNICATIONS

TV TRANSMITTERS (17):

1. Jastrebac (Prokuplje)
2. Gucevo (Loznica)
3. Cot (Fruska Gora)
4. Grmija (Pristina)
5. Bogutovac (Pristina)
6. TV transmitter on Mt Goleš (Pristina)

7. Mokra Gora (Pristina)
8. Kutlovac (Stari Trg)
9. "Cigota" (Uzice)
10. "Tornik" (Uzice)
11. Transmitter on Crni Vrh (Jagodina)
12. Satellite station (in Prilike near Ivanjica)
13. TV masts and transmitters (Novi Sad)
14. TV transmitter on Mt Ovcara (Cacak)
15. TV transmitter in Kijevo (Belgrade)
16. TV transmitter on Mt Cer
17. Communications relay on Mt Jagodnji (Krupanj)

CULTURAL-HISTORICAL MONUMENTS AND RELIGIOUS SHRINES MEDIEVAL MONASTERIES AND RELIGIOUS SHRINES (16):

1. Monastery Gracanica from 14th century (24 March - 6 April 1999);
2. Monastery Rakovica from 17th century (29 March 1999);
3. Patriarchate of Pec (1 April 1999);
4. Church in Jelasnica near Surdulica (4 April 1999);
5. Monastery of the Church of St. Juraj (built in 1714) in Petrovaradin (1 April 1999);
6. Monastery of Holy Mother (12th century) at the estuary of the Kosanica in the Toplica - territory of municipality of Kursumlja (4 April 1999);
7. Monastery of St. Nicholas (12th century) in the territory of the municipality of Kursumlja (4 April 1999);
8. Monastery of St. Archangel Gabriel in Zemun (5 April 1999);
9. Roman Catholic Church St. Antonio in Djakovica (29 March 1999);
10. Orthodox cemetery in Gnjilane (30 March 1999);
11. Monuments destroyed in Bogutovac (8 April 1999);
12. "Kadinjaca" memorial complex (8 April 1999);
13. Vojlovica monastery near Pancevo (12 April 1999);
14. Hopovo monastery, iconostasis damaged (12 April 1999);
15. Orthodox Christian cemetery in Pristina (12 April 1999);
16. Monastery church St. Archangel Michael in Rakovica (16 April 1999);

CULTURAL-HISTORICAL MONUMENTS AND MUSEUMS (8):

1. Severe damage to the roof structure of the Fortress of Petrovaradin (1 April 1999);
2. Heavy damage to "Tabacki bridge", four centuries old, in Djakovica (5 April 1999);
3. Substantial damage to the building in Stara Carsija (Old street) in Djakovica (5 April 1999);
4. Destroyed archives housed in one of the Government buildings in Belgrade (3 April 1999);
5. Memorial complex in Gucevo (Loznica);
6. Memorial complex "Sumarice" in Kragujevac;
7. Vojvodina Museum in Novi Sad;
8. Old Military Barracks in Kragujevac - under the protection of the state (16 April 1999);

Source: Ministry of Foreign Affairs of FR Yugoslavia

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Despotovic, Ruza

Van: Despotovic Ruza [despot@wishmail.net]
Verzonden: maandag 24 januari 2000 0:16
Aan: Ruza Despotovic; Herman TI; Globalreflexion; Erwin Steijnen; Dolf Loth; Annamiek Vermeulen
Onderwerp: Carla del Ponte's hearing in NATO headquarters - another proof that The Hague

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Carla del Ponte's hearing in NATO headquarters - another proof that The Hague acts according to the western Alliance's dictate

January 22, 2000

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Brussels, January 21st - The Hague Tribunal Chief Prosecutor Carla del Ponte failed to say that she was forced to answer questions on a closed session in front of NATO ambassadors in Brussels, due to the statement with which she announced possible trial to commanders of the western military alliance for the aggression on Yugoslavia.

However, the entire mosaic could be formed on the basis of later statements made by the participants of the meeting, which confirmed that The Hague acts according to the western Alliance's dictate.

NATO ambassadors asked, according to the local press, the prosecutor to explain its position regarding the accusations submitted to the Tribunal against the NATO countries' leaders, as well as the positions of the Hague Tribunal.

According to the International Herald Tribune, the Deputy Chief Prosecutor Graham Bluit said that Carla del Ponte "had only one answer" to "two questions".

She reiterated, according to her deputy, that the Tribunal has "statute obligation to investigate all the alleged crimes committed in former Yugoslavia".

"We were very concerned about the damage that could be caused to our relations with NATO",

admitted Bluit. He added that the principle attitude of the Tribunal was that "NATO was not above the law" and that "every ignoring of the accusation would imperil its integrity".

In an interview with a Canadian lawyer Michael Mandel, the International Herald Tribune also reveals the chronology of the contacts with the Hague Tribunal that proves a complete dependence and helplessness of the Tribunal to act independently and responsibly.

A group of prominent lawyers, professors and experts in international law from some dozen countries submitted their accusation during the NATO bombing of Yugoslavia. It points out that there are indisputable evidence about NATO crimes in Yugoslavia and requests launching of an investigation against the US, UK and other NATO countries' leaders, as well as against NATO commanders.

According to Mendel, this file was forwarded in June last year to former chief prosecutor Louise Arbour, who ordered it to be "preliminary reviewed". In September, Arbour, who resigned before the end of her mandate, was replaced by Carla del Ponte, who got the associates' report regarding "NATO file" in late December, according to the I. H. T.

The greatest fuss arose when Carla del Ponte, in an interview to the Observer, stated that there were possibilities of an investigation to be launched against NATO pilots and their commanders due to violation of the Geneva Convention.

Soon, del Ponte denied everything, but her statement provoked strong reactions by the western alliance officials and US generals in the Pentagon.

Speaking to the press after the last Wednesday's meeting in the NATO Seat, Carla del Ponte failed to mention that the launching of an investigation against NATO was at the agenda at all. She just stated that she asked NATO to be "much more aggressive" in "arresting of the accused".

Talking to Tribune's reporter, Mendel said that NATO strike against Yugoslavia was a "cowardice war" that wasn't even approved by the UN Security Council. Unlike certain judges and the chief prosecutor of the Hague Tribunal, he believes that there are necessary conditions for launching an investigation against NATO leaders.

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van holst en steijnen

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Sent: zaterdag 3 maart 2001 14:26
Subject: Fw: [SIM] [SIN] War Crimes Chief Says Kostunica Is 'Man of Past'

— Original Message —

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To: "SIM Egroups" <SrpskaInformativnaMreza@cgroups.com>; "SerbianNewsNetwork" <SerbianNewsNetwork@cgroups.com>; "Sin" <sin@antic.org>
Cc: "Sorabia@Yahoogroups.Com" <sorabia@yahoogroups.com>; "NSP" <STOP-NSP@topica.com>; "Siem News" <news@siem.ncl>
Sent: Saturday, March 03, 2001 3:46 PM
Subject: [SIM] [SIN] War Crimes Chief Says Kostunica Is 'Man of Past'

>
 >
 > Saturday March 3 9:36 AM ET
 >
 > War Crimes Chief Says Kostunica Is 'Man of Past'
 >
 > PARIS (Reuters) - U.N. war crimes prosecutor Carla del Ponte called Yugoslav
 > President Vojislav Kostunica (news - web sites) a man of the past on
 > Saturday and said she saw scant chance that police would arrest his
 > autocratic predecessor, Slobodan Milosevic (news - web sites).
 >
 > In blunt comments to French radio station RFI, Del Ponte said she had been
 > disappointed by Kostunica's "incredible nationalism" when she met him in
 > Belgrade in January.
 >
 > "As soon as he shook my hand, I knew he wasn't pleased to meet me," Del
 > Ponte said. "Kostunica is the past and that country needs the future, a
 > great future."
 >
 > She also announced that she would visit the United Nations (news - web
 > sites) Security Council in May to ask for tough punitive measures to be
 > imposed on Yugoslavia if it did not cooperate with the war crimes tribunal
 > in The Hague (news - web sites).
 >
 > "Conditions, very tough conditions, have to be set so that Yugoslavia
 > cooperates with us. If the government and Kostunica are faced with that
 > choice, cooperation will start straight away."
 >
 > Del Ponte is demanding the arrest and transfer to The Hague of Milosevic,
 > sought by the International Criminal Tribunal for former Yugoslavia (ICTY)
 > for crimes against humanity committed during the Kosovo conflict.
 >
 > Kostunica is reluctant to hand over his predecessor, but speculation has
 > risen that he could be arrested and put on trial at home, probably on
 > corruption charges.
 >
 > Serbia's justice authorities, purged of Milosevic's allies, recently
 > launched probes into his financial affairs and arrested his secret police
 > chief on suspicion of multiple murder.
 >
 > "I've been reading for weeks that Milosevic is going to be arrested and I
 > don't really believe it because when I was in Belgrade I was told that he
 > was going to be arrested in the coming days. It never happened," Del
 > Ponte
 > said.
 >
 > She also said she doubted that parliament would pass legislation needed to
 > turn over Milosevic to The Hague.
 >

- > Talked At For 90 Minutes
- >
- > A popular uprising last October forced Milosevic to concede defeat to Kostunica in federal presidential elections held 10 days before.
- >
- > Del Ponte said that while she had been encouraged by her meetings with leading reformist ministers, she had been enormously disappointed by Kostunica himself:
- >
- > "For an hour and a half he made declamatory statements about Serbia and the Serbs as victims. It felt like reading those books that I've read about communism 20 or 30 years ago."
- >
- > Cooperation with the tribunal, set up to examine the wars of the past decade that tore the old Yugoslavia apart, is seen by Western governments as a key test of the willingness of reformers to deal with the past and fully embrace democracy.
- >
- > The U.S. Congress has set a deadline of March 31 for Yugoslavia's government to show a clear sign of cooperation if it is to receive \$100 million in aid.
- >
- > Many Serbs reject the widely held view in the West that Serb forces and Milosevic bear most of the blame for the Balkan wars.
- >
- > However, an opinion poll published this week suggested most Serbs thought Milosevic should surrender to the U.N. tribunal.
- >
- > Kostunica said in an interview published on Saturday it was up to courts to deal with Milosevic. "It is not up to me to try anyone," Kostunica told the Yugoslav daily Danas.
- >
- > Prosecutors are preparing to charge Milosevic with giving false information about his assets when he bought a Belgrade house in 1999, political and judicial sources have told Reuters.
- >
- > Kostunica said that as head of state he could not deal with investigations and charge sheets. But, he added, "certainly Milosevic's responsibility is far greater than the case of an illegally bought apartment."
- >
- > Asked whether he would respect a decision to hand Milosevic over to The Hague, Kostunica said:
- >
- > "I'm surprised to see how much power people think I have. I'm not authorized to prevent extradition. I can have my own political judgement about that and about the Hague tribunal."

> Email this

> Miroslav Antic,
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8. Hague Prisoner's Daughter: Please Help My Daddy! ~~XXXXXX~~ Jan. 23, 2001

THE HAGUE, Jan. 22 - We received the following letter from Jela Jovanovic, secretary general of The Committee for National Solidarity in Belgrade, who enclosed an impassioned plea for help by a daughter of a prisoner held at the UN Tribunal's jail at the Hague:

"Distinguished Sir / Madam, The citizens' association "The Committee for National Solidarity" addresses to you with an appeal that you urge your Government, the Parliament, the relevant institutions, organizations and media, for the permission that Mr. Radislav Krstic, the general of the Army of the Republic of Srpska, be transferred to the Military-Medical Academy in Belgrade. An urgent re-amputation of his right leg, above the knee, is demanded, that is expected to be followed by a precarious post-operative recuperation.

Regarding the previous experiences with the medical services provided by the Hague Tribunal, and in particular - the death of general Djukic immediately after his release from the imprisonment in Hague, the sudden death of Dr. Kovacevic (later investigations revealed that he was not given the necessary emergency medical aid), the alleged suicide of Mr. Slavko Dokmanovic in his cell, his personal experience (from the beginning of his stay in the Hague prison he was deprived of the proper medical treatment), General Krstic refuses to be subjected to the necessary operation if it is performed by the medical services of the Hague Tribunal. This may lead to a tragic outcome.

Last month, a member of our Committee visited General Krstic in the prison, and was shocked by his overall physical condition, as well as with the conduct of the prison's medical department. We fear that, if an immediate action is not undertaken, the consequences for the health and life of Mr. Krstic may be tragic.

Today, we have received a stirring plea from his only daughter, Tamara Krstic, and decided to turn to you for help.

Jela Jovanovic, Secretary general of the Committee for National Solidarity

Belgrade, 22. 01. 2001.

Please, help my daddy.

My daddy, Radislav Krstic, the general of the Army of the Republic of Srpska, has been in the United Nation's confinement in Sheweningen for the past twenty six months. Right now, his health is in a very bad condition. He is an invalid, since his lower leg has been amputated, and the stump was additionally wounded in the course of his arrest. Due to the inadequate and inefficient medical treatment in the prison, the infection of the bone has developed, with the high risk of gangrene, and the above-the-knee amputation has been recommended.

My daddy justifiably fears the operation, as well as the post-operative treatment, that would take place in the environment that he is at now. A plead to all the good people, throughout the globe, to help my daddy by raising their voice.

I plead to the United Nations, to the International Red Cross, to the Helsinki Committee for Human Rights.... Please, help that my daddy does not die in Sheweningen. I address the Board of Judges of the Hague Tribunal, and to the prosecutors in my daddy's process:

- do not say that he 'refuses to use the prothesis'- no, he can not wear it, it hurts,
- do not say that he 'does not want to drink your medicines'- no, you have overdosed him so that he fainted,
- do not tell him to flush his wounds by water - no, there is no such thing in the world. And so much more.

That is why I appeal to you to let my daddy to try to get his cure in his country. As a guarantee, I offer to stay in his cell until he returns to Sheweningen to prove his innocence. His only daughter,"

Tamara Krstic, Belgrade

TiM Ed.: We suggest to both Mrs. Jovanovic and to Ms. Krstic to appeal to the Yugoslav president, Vojislav Kostunica, to intervene on their behalf with the chief prosecutor of the Hague kangaroo court, Carla del Ponte with whom he is supposed to be meeting this week. At least that way some good may come from his turn-about-face (see [Item 6 of this TiM Bulletin](#)).

9. How You Can Write to Hague Prisoners ~~*****~~ Jan. 23, 2001

CHICAGO, Jan. 22 - We received the following information about how to write to the prisoners held at the UN Tribunal's jail at the Hague from Prof. J.P. Maher of the Northeastern Illinois University in Chicago:

WRITE TO THE KIDNAPPED AT THE HAGUE

Chris Soda (a TIM reader from Canada) has collected a list of ALL Serb detainees incarcerated in the Hague Kidnap Hole. Alphabetically, they are...

Radoslav Brdjanin

Damir Dose

Stanislav Galic

Goran Jelusic

Dragan Kolundzija

Milojica Kos

Radomir Kovac

Momcilo Krajisnik

Milorad Krnojelac

Radislav Krstic

Dragoljub Kunarac

Miroslav Kvoeka

Dragan Nikolic

Biljana Plavsic

Dragoljub Prcac

Mladen Radic

Dusan Sikirica

Milan Simic

Momir Talic

Stevan Todorovic

Mitar Vasiljevic

Zoran Vuckovic

Zoran Zigic

Apparently perishable goods are not allowed to be sent to them, but books, icons, etc are OK. The mailing address is:

UN Detention Unit

P.O. Box 87810

2508 DE The Hague

Netherlands

I don't know how many of them speak or read English, but perhaps we can send them something together, or, I can send something for them to read but translated."

Chris Soda, Canada (c/o Prof. J.P. Maher)

10. Del Ponte Tries for a Bridge Too Far ~~XXXXXX~~ Jan. 24, 2001

BELGRADE, Jan. 23 - Carla del Ponte (ponte = bridge in Italian), the chief prosecutor of the UN War Crimes Tribunal at the Hague, tried for a bridge too far when she met Tuesday in Belgrade with the Yugoslav president, Vojislav Kostunica. Having arrived in Belgrade hoping to secure the new Yugoslav government's cooperation in carrying out arrests based on her secret indictments, a legal novelty invented by the Hague kangaroo court especially for persecution... oops, prosecution of Serb suspects, del Ponte hit a brick wall.

After about an hour of at time a heated discussion with Kostunica, who had initially refused to meet del Ponte, the former Swiss attorney general stormed out of the meeting without handing the sealed indictments, and refused to answer reporters' questions.

Meanwhile, Kostunica's office issued a statement about the meeting in which the Yugoslav president raised objections against the Tribunal's basic procedures, including its system of issuing sealed indictments. He told Mrs. del Ponte, the statement says, that he saw a danger of "selective justice" in the tribunal's operations and that by indicting political and military figures, and accusing mostly Serbs, the tribunal was in danger of "laying collective guilt on one people" rather than establishing individual responsibility, as it should.

"Mrs. del Ponte rebuffed those remarks," the statement said.

Kostunica also described sealed indictments as a "shameful" practice, but said that if handed any, he would pass them on to his ministries and Parliament. Mrs. del Ponte has brought with her at least one arrest warrant linked to a sealed indictment of someone known to be living in Yugoslavia, Ms. Hartmann said today. It will be handed over if the authorities accept the obligation to keep it confidential, according to a story in today's New York Times.

For the rest of the article headlined, "A Rocky Meeting in Belgrade for War Crimes Prosecutor," check out... <http://www.nytimes.com/2001/01/24/world/24YUGO.html> .

11. Del Ponte Rebuffed by Yugoslav Foreign Minister, Her Car Pelted with Eggs ~~XXXXXX~~ Jan. 24, 2001

BELGRADE, Jan. 24 - Carla del Ponte is not having a good time in Serbia. In the latest rebuff to the chief U.N. war crimes prosecutor, Goran Svilanovic, Yugoslavia's foreign minister, who has until now obediently toed the State Department's line (see "How Washington Bought Yugoslav Presidency"), made it clear today to that his government would resist Del Ponte's demands, because the Serb people do not want their former leaders tried at the Hague, the Wall Street Journal has just reported.

"The official position of our government is that trials should take place in our country," Svilanovic told Del Ponte on the second day of her visit to Belgrade. He added that most Serbs don't trust the court in The Hague, and view it as politically motivated and anti-Serb. Svilanovic added that trying Slobodan Milosevic's at home would serve to build up the population's trust in the local courts.

As Del Ponte met Svilanovic Wednesday, some 200 protesters gathered outside the foreign ministry in Belgrade, and hurled eggs at the UN

<http://www.truthinmedia.org/Bulletins2001/tim2001-1-3.html>

05-02-01

prosecutor's motorcade as she was driven from the building.

As we've already reported, talks between Del Ponte and the Yugoslav president ended abruptly yesterday, with Vojislav Kostunica resisting demands for the extradition of Slobodan Milosevic and other Serb suspects (see [Item 10 of this TiM Bulletin](#)).

For the rest of the story, check out... <http://interactive.wsj.com/archive/retrieve.cgi?id=SB980300157146164671.djm> (but you must be a paid subscriber to access it).

12. "Madam Kangaroo" Mutates to "Madam Halfbright" ~~Jan. 26, 2001~~ Jan.

26, 2001

BELGRADE, Jan. 26 - Madeleine Albright may be gone from her State Dept.'s seat of power, but a European imitation of this former would-be ruler of the world has sprung up in Europe. It comes in the form of one Carla del Ponte, the chief prosecutor of the UN War Crimes Tribunal. In a style reminiscent of Madam Halfbright's pompous arrogance, Del Ponte insisted Jan. 26 that Slobodan Milosevic must be tried at The Hague, and warned that failure by Belgrade to co-operate with the court could lead to the imposition of new sanctions.

A mere prosecutor of a kangaroo court telling the world's heads of state, including the new White House occupant who pays most of her salary, what they must do. Perhaps the George W. Bush administration should reply using the same tactics that Congress sometimes uses against petulant presidents - cut off the funding to this sham of a court in the Hague. And then sit back and watch Madam Kangaroo-cum-Madam Halfbright's ego wither and dry up like a fall leaf.

If in doubt about Del Ponte's arrogance and inflated grandeur, check out the following excerpts from the London Independent's report from Del Ponte's Jan. 25 news conference in Belgrade:

"We [the tribunal] are the first who must have Milosevic on trial," the chief prosecutor said. She argued that it would take too long for Serbia to try Mr Milosevic and later hand him over to The Hague. "I cannot wait for years until the fugitives are transferred."

Ms Del Ponte said she had the impression that the Yugoslav President, a lawyer, was "not properly informed" about the tribunal. "Dialogue [with Mr Kostunica] was not possible. I tried for half-an-hour to explain about the tribunal. I had to sit and listen to his long complaints," she said.

"He [Mr Kostunica] can and must change his mind," she added. "Full co-operation with my office cannot be avoided if Yugoslavia wants full membership in the international community. If there is no cooperation, new sanctions can be imposed."



TiM Ed.: See what we mean? Here's an administrative UN appointee telling an elected head of state what he MUST do!? Or else...

"Ms Del Ponte predicted better co-operation with the tribunal as the new Serbian government, which was inaugurated yesterday, takes over. In her talks with the new Serbian Prime Minister, Zoran Djindjic, a time span of two to three months to begin the co-operation was mentioned.

In his maiden speech yesterday, Mr Djindjic said that bringing all those who committed war crimes to justice would be one of the priorities of his government ahead of confronting the dire economic situation in Serbia."

TiM Ed.: No surprise there... a proven western quisling (Djindjic) kissing up to the new Madam Halfbright, as he had done to the old one (see "Cavorting with the Enemy," Dec. 1999). Which sets up a possible showdown between Kostunica and Djindjic, something that many analysts have been predicting all along.

For the rest of the Independent report, check out... <http://www.independent.co.uk/news/World/Europe/2001-01/belgrade260101.shtml>.

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Or Djurdjevic's NEW DAWN magazine columns: "Anti-Christian Crusades," "Blood for Oil, Drugs for Arms," "Washington's Crisis Factory," and "New Iron Curtain Over Europe"

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Louise Arbour: unindicted war criminal

by Christopher Black

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

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

Arbour To NATO's Rescue

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

At the April 20 appearance with Cook, Arbour stated that "It is inconceivable...that we would in fact agree to be guided by the political will of those who may want to advance an agenda." But her appearance with Cook and the follow-up indictments fitted perfectly the agenda needs of the NATO leadership. There had been growing criticism of NATO's increasingly intense and civilian infrastructure-oriented bombing of Serbia, and Blair and Cook had been lashing out at critics in the British media for insufficient enthusiasm for the war. Arbour's and the Tribunal's intervention

the Serb leadership to be guilty of war crimes was a public relations coup that justified NATO policies and helped permit the bombing to continue and escalate. This was pointed out repeatedly by NATO leaders and propagandists: Madeleine Albright noted that the indictments make very clear to the world and the publics in our countries that this [NATO policy] is justified because of the crimes committed, and I think also will enable us to keep moving all these processes [i.e., bombing] forward" (CNN, May 27). State Department spokesman James Rubin stated that "this unprecedented step...justifies in the clearest possible way what we have been doing these past months" (CNN Morning News, May 27).

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

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

Background of the Tribunal's Politicization

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

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

Article 16 of the Tribunal's charter states that the Prosecutor shall act independently and shall not seek or receive instruction from any government. This section also has been systematically violated. NATO sources have regularly made claims suggesting their authority over the Tribunal: "We will make a decision on whether Yugoslav actions against ethnic Albanians constitute genocide," states a USIA Fact Sheet, and Cook asserted at his April 20 press conference with Arbour that "we are going to focus on the war crimes being committed in Kosovo and our determination to bring those responsible to justice," as if he and Arbour were a team jointly and

...ely deciding on who should be charged for war crimes, and obviously excluding from those potentially chargeable. Earlier, on March 31, two days after Cook had furnished Arbour supportive data for criminal charges, she announced the indictment of Arkan.

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

Serb-Specific Focus

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

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

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

Kangaroo Court Processes

Arbour has claimed that the Tribunal was "subject to extremely stringent rules of evidence with respect to the admissibility and the credibility of the product that we will tender in court" so that she was guarded against "unsubstantiated, unverifiable, uncorroborated allegations" (April 20). This is a gross misrepresentation of what John Laughland described in the Times (London) as "a rogue court with rigged rules" (June 17, 1999). The Tribunal violates virtually every standard of due process: it fails to separate prosecution and judge; it does not accord the right to bail or a speedy trial; it has no clear definition of burden of proof required for a conviction; it has no independent appeal body; it violates the principle that a defendant may not be tried twice for the same crime (Article 25 gives the prosecutor the right to appeal against an acquittal); suspects can be held for 90 days without trial; under Rule 92 confessions are presumed to be free and voluntary unless the contrary is established by the prisoner; witnesses can testify anonymously, and as John Laughland notes, "rules against hearsay, deeply entrenched in Common Law, are not observed and the Prosecutor's office has even suggested not calling witnesses to give evidence but only the tribunal's own 'war crimes investigators.'"

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

NATO's Crimes

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

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

The same case for civilian targeting could be made for numerous NATO bombing raids, as in the cluster-bombing of Nis on May 7, 1999, in which a market and hospital far from any military target

separate strikes—but no indictment has yet been handed down against NATO.

NATO was also guilty of the bombing of non-military targets as systematic policy. On March 6, 1999, General Wesley Clark said that "We are going to very systematically and progressively work on his military forces...[to see] how much pain he is willing to suffer." But this focus on "military forces" wasn't effective, so NATO quickly turned to "taking down...the economic apparatus supporting" Serb military forces (Clinton's words), and NATO targets were gradually extended to factories of all kinds, electric power stations, water and sewage processing facilities, all transport, public buildings, and large numbers of schools and hospitals. In effect, it was NATO's strategy to bring Serbia to its knees by gradually escalating its attacks on the civil society.

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

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

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

Beyond Orwell

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

the Tribunal thus present us with the amazing spectacle of an institution supposedly
designed to contain, prevent, and prosecute for war crimes actually knowingly facilitating them.
Furthermore, petitions submitted to the Tribunal during Arbour's tenure had called for prosecution
of the leaders of NATO, including Canadian Prime Minister Jean Chretien, for the commission of
war crimes. If she had been a prosecutor in Canada, Britain or the United States, she would have
been subject to disbarment for considering and then accepting a job from a person she had been
asked to charge. But Arbour was elevated to the Supreme Court of Canada by Chretien with
hardly a mention of this conflict of interest and immorality.

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

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**THE PROSECUTOR OF THE TRIBUNAL****AGAINST****RADISLAV KRSTIC****INDICTMENT**

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

RADISLAV KRSTIC

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

BACKGROUND

1. After armed conflict erupted in the Republic of Bosnia and Herzegovina in the spring of 1992, Bosnian Serb military and paramilitary forces occupied cities, towns and villages in the eastern part of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Zepa.
2. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.
3. On or about 6 July 1995, units of the Drina Corps of the Bosnian Serb Army (VRS) shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the safe area. The Drina Corps attack on the Srebrenica safe area continued through 11 July 1995, when forces from the Drina Wolves, the Bratunac Brigade and other units of the VRS entered Srebrenica.
4. The Bosnian Muslim men, women and children who were in Srebrenica after the beginning of the VRS attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion. The Bosnian Muslim civilians remained in and around Potocari from 11 July until 13 July 1995, when they were evacuated by buses and trucks under the control of the VRS.
5. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at [usnjari village near Srebrenica during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian Muslim military personnel. The rest were unarmed military personnel and civilians.
6. On or about 12 July 1995, Ratko Mladic and **RADISLAV KRSTIC**, as well as other VRS and Bosnian Serb civilian representatives, met in the Hotel Fontana in Bratunac with Dutch military officers and representatives of the Bosnian Muslim refugees from Potocari. At this meeting, Ratko Mladic explained to the group that he would supervise the "evacuation" of refugees from Potocari and wanted to see all the Bosnian Muslim men between approximately the ages of 16 and 60 to screen for possible war criminals.
7. On or about 12 July 1995, in the presence of Ratko Mladic and **RADISLAV KRSTIC**, approximately 50 to 60

and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the evacuation process of Bosnian Muslim refugees started. As Bosnian Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children and detained the men in and around Potocari.

8. Between the evening of 11 July 1995 and the morning of 12 July 1995, the Bosnian Muslims who had gathered in Susnjari formed a huge column and began their trek through the woods towards Tuzla.

9. Bosnian Serb forces supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an attempt to intercept the column. Some of the armed members of the retreating column of Bosnian Muslims engaged in combat with the Bosnian Serb forces. Thousands of Bosnian Muslims from the retreating column were captured by, or surrendered to, Bosnian Serb military forces under the command and control of Ratko Mladic and **RADISLAV KRSTIC**.

10. Between 11 July 1995 and 18 July 1995, VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, participated in numerous incidents of opportunistic killings of Bosnian Muslim men shortly after they had been captured, as well as systematic summary executions of Bosnian Muslim men who were initially detained and then transported to various execution sites throughout the territory under the control of the VRS Drina Corps. The VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, executed thousands of Bosnian Muslim men.

11. Between 10 July 1995 and the 18 July 1995, the VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, either expelled or killed most of the members of the Bosnian Muslim population of the Srebrenica enclave. As a result of these actions, the VRS forces virtually eliminated the presence of any Bosnian Muslims in the Srebrenica enclave area, thus continuing an ethnic cleansing campaign which had begun in the spring of 1992.

THE ACCUSED

12. **Radislav KRSTIC** was a Lieutenant Colonel in the JNA before the armed conflict in Bosnia and Herzegovina. Krstic served as Commander of the 2nd Romanija Motorised Brigade, which was first a component of the Sarajevo-Romanija Corps, but was later transferred to the Drina Corps in November 1992. He continued to serve as the Commander of the brigade, until late 1994. From January 1995 through 14 July 1995, he was the Chief of Staff/Deputy Commander of the VRS Drina Corps. He was promoted to the rank of General-Major in June 1995. On or before 14 July 1995, he assumed command of the Drina Corps. His assumption of command was publicly announced on 20 July 1995. In April 1998, he was promoted to the rank of Lieutenant Colonel-General, and is currently the Commander of the VRS 5th Corps, in Sokolac.

SUPERIOR AUTHORITY

13. When the Srebrenica operation began on or about 6 July 1995, **RADISLAV KRSTIC** held the rank of General-Major with the position of Chief of Staff/Deputy Commander of the Drina Corps. As Chief of Staff/Deputy Commander of the Drina Corps, **RADISLAV KRSTIC** was responsible for directing the activities of the Corps Staff. He was responsible for monitoring the activities of all units and activities within the corps zone of responsibility, and also acted as adviser to his Corps Commander. As Chief of Staff, he was concurrently the Corps Deputy Commander, empowered to give orders on behalf of the Commander in his absence and to give supplementing orders to insure implementation of the Commander's orders. When **RADISLAV KRSTIC** became the Commander of the Drina Corps on or before 14 July 1995, his responsibilities increased to include planning and directing the activities of all subordinate units in his zone of responsibility and monitoring their activities to insure his orders were implemented.

GENERAL ALLEGATIONS

14. At all times relevant to this indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.

15. At all relevant times, **RADISLAV KRSTIC** was required to abide by the laws and customs governing the conduct of war.

All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim civilian population of Srebrenica and its surroundings.

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

18. **RADISLAV KRSTIC** is also, or alternatively, criminally responsible as a commander for the acts of his subordinates pursuant to Article 7(3) of the Tribunal Statute. Such criminal responsibility is the responsibility of a superior for the acts of his subordinate if he knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

19. The general allegations contained in paragraphs 14 through 18 are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1-2

(Genocide)

(Complicity to commit genocide)

20. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC**, intending to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group:

(a) killed members of the group, and

(b) caused serious bodily or mental harm to members of the group.

21. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC** planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the opportunistic killings of captured Bosnian Muslim men from the Srebrenica safe area by VRS military personnel.

22. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC** planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of a planned and organised mass execution of thousands of captured Bosnian Muslim men from the Srebrenica safe area.

23. The wide-scale and organised killing of Bosnian Muslim men, which occurred in several different locations in and around the Srebrenica enclave, from 11 July 1995 until 18 July 1995, included:

23.1 **Potocari**: Between 12 July 1995 and 13 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslim men at diverse locations around the UN compound at Potocari, where the Bosnian Muslim men had taken refuge.

23.2 **Kravica**: On or about 13 July 1995, VRS soldiers, under the command of **RADISLAV KRSTIC**, summarily executed hundreds of Bosnian Muslim men who had been imprisoned in a large warehouse in the village of Kravica. The VRS soldiers used automatic weapons, hand grenades and other weaponry to kill the Bosnian Muslims inside the warehouse.

23.3 **Bratunac**: Between 12 July 1995 and 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported many of the Bosnian Muslims who had been detained in Potocari or captured along the Bratunac-Milici road to locations in and around Bratunac, where they were held in schools, buildings and vehicles parked along the road. Between 12 July 1995 and 15 July 1995, VRS military personnel, under the

command of **RADISLAV KRSTIC**, participated in numerous opportunistic killings of the detained Bosnian Muslim men at various locations throughout Bratunac.

23.4 Tisca: On or about 12 July 1995 and 13 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported the Bosnian Muslim women and children, who had been separated from male members of their families in Potocari, to an area near Tisca village. Most of the Bosnian Muslim women and children driven to Tisca were permitted to cross into Bosnian Muslim territory. However, VRS military personnel, under the command of **RADISLAV KRSTIC**, identified and separated Bosnian Muslim men and some Bosnian Muslim women. On or about 12 July 1995 and 13 July 1995, the VRS military personnel forced the Bosnian Muslim men and women to walk to a nearby school, where they were taunted and assaulted by VRS soldiers. On or about 13 July 1995 and 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, loaded 25 Bosnian Muslim men onto a truck, drove them to an isolated pasture, and summarily executed them.

23.5 Orahovac (near Lazete): On or about 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from in and around Bratunac to the Grbavci School complex near Orahovac. On 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslim men in and around the school. That same day, the VRS military personnel transported the Bosnian Muslim men, many of whom were blindfolded, from the Grbavci School to the nearby village of Orahovac. Once there, VRS military personnel, under the command of **RADISLAV KRSTIC**, ordered the Bosnian Muslim men off the trucks and executed them. Hundreds of Bosnian Muslim men were killed. On or about 14 and 15 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, used heavy equipment to bury the victims in mass graves at the execution site, while the executions continued.

23.6 The "Dam" near Petkovci: On or about 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from detention sites in Bratunac to the school at Petkovci. On 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslims in and around this school. On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported several hundred Bosnian Muslim men from the school at Petkovci to an area below the "Dam" at Petkovci. These people were unloaded from vehicles, led in small groups to an open area, and summarily executed by VRS military personnel, under the command of **RADISLAV KRSTIC**.

23.7 Cerska Valley: From on or about 14 July 1995 until about 21 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported over 100 Bosnian Muslim men to an area along a dirt road in the Cerska Valley, summarily executed them, and covered them with dirt.

23.8 Pilica: Between 14 and 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from detention sites in Bratunac to the school at Pilica. VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed many of the Bosnian Muslim men who were being detained at the Pilica school.

23.9 Branjevo Farm: On or about 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from the Pilica school to the Branjevo Farm. The Bosnian Muslim men were unloaded from buses, led in small groups to an open area, and summarily executed with automatic weapons by VRS soldiers from the 10th Sabotage Detachment and other units. On or about 16 and 17 July 1995, the VRS military personnel, under the command of **RADISLAV KRSTIC**, using heavy equipment, buried hundreds of victims in a nearby mass grave.

23.10 Pilica Cultural Centre: On or about 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, after participating in the Branjevo Farm executions, travelled a short distance to the village of Pilica. There, using automatic weapons and hand grenades, VRS military personnel summarily executed approximately 500 Bosnian Muslim men inside the Pilica Cultural Centre.

23.11 **Kozluk**: On or about 16 and 17 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men to an isolated place near Kozluk and summarily executed them. On or about 18 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, using heavy equipment, buried the victims in a mass grave nearby.

24. During and after the opportunistic killings and mass executions which occurred from 11 July until 18 July 1995, **RADISLAV KRSTIC** failed to investigate or punish any of his VRS subordinates who were responsible for the killings and executions. To the contrary, **RADISLAV KRSTIC**, and units under his command, participated in an organised and comprehensive effort to conceal and cover up the killings and executions by burying the bodies of the victims in isolated sites scattered throughout a wide area.

25. When it became apparent that the international community had learned of the killings and executions arising from the attack on the Srebrenica safe area, **RADISLAV KRSTIC**, and units under his command, participated in a second attempt to conceal the killings and executions by digging up the bodies from the initial mass graves and transferring them to secondary graves. VRS military personnel or their agents, under the command of **RADISLAV KRSTIC**, dug up the following graves and transferred the bodies to secondary sites:

25.1 The Dam at Petkovci.

25.2 Orahovac.

25.3 Branjevo farm.

25.4 Kozluk.

25.5 Glogova.

Counts

By his respective acts and omissions described in paragraphs 20 and 25, **RADISLAV KRSTIC** committed:

Count 1: Genocide, punishable under Articles 4(3)(a), and 7(1) and 7(3) of the Statute of the Tribunal; and

Alternatively,

Count 2: Complicity to commit genocide, punishable under Articles 4(3)(e), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 3

(Extermination)

26. The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

By his respective acts and omissions described in paragraphs 20 and 23, **RADISLAV KRSTIC** committed:

COUNT 3: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 4-5

(Murder)

The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

By his respective acts and omissions described in paragraphs 20 and 23, **RADISLAV KRSTIC** committed:

COUNT 4: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 5: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3, and 7(1) and 7(3) of the Statute of the Tribunal, as recognised by Article 3(1)(a) of the Geneva Convention.

COUNT 6

(PERSECUTIONS)

28. The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

29. Beginning on 11 July 1995 and continuing through 1 November 1995, **RADISLAV KRSTIC** committed, planned, instigated, ordered, or otherwise aided and abetted the planning, preparation, or execution of a crime against humanity, that is, the persecutions of Bosnian Muslim civilians on political, racial, or religious grounds, in Srebrenica and its surroundings.

30. The crime of persecutions was perpetrated, executed, and carried out by or through the following means:

- a. the murder of thousands of Bosnian Muslim civilians, including men, women, children, and elderly persons;
- b. the cruel and inhumane treatment of Bosnian Muslim civilians, including severe beatings;
- c. the terrorising of Bosnian Muslim civilians; and
- d. the destruction of personal property of Bosnian Muslims.

By these acts or omissions, and the acts and omissions described in paragraphs 21 and 25, **RADISLAV KRSTIC** committed:

COUNT 6: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

Graham T. Blewitt

Deputy Prosecutor

/signed/

30 October 1998

The Hague, The Netherlands

Despotovic, Ruza

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Tribunal Reviews Anti-NATO Charges, Washington Post, Jan 20

Chief Hague Prosecutor Could Order Full War Crimes Investigation

By Charles Trueheart

PARIS - As the NATO bombing campaign against Yugoslavia got under way in March, and talk of war crimes indictments against Slobodan Milosevic and other Serb leaders intensified, a loose network of anti-war activist law professors in Canada, Norway, Greece, Britain and France began plotting another strategy entirely.

Communicating by phone and e-mail, the law professors began building the case for war-crimes indictments against the NATO warmakers themselves. By the end of the 87-day war, the professors believed they had "overwhelming evidence" to demand the criminal prosecution of the leaders of the United States, Britain and the other alliance countries, as well as the leaders of the North Atlantic Treaty Organization itself.

Today, what may have seemed a quixotic legal campaign on the fringes of allied consensus has taken on a small and, to many, disturbing life of its own.

In a postwar effort to demonstrate independence and evenhandedness, prosecutors at the United Nations International Criminal Tribunal for the Former Yugoslavia began an internal review of the charges brought by the professors and others.

Seven months later, the chief tribunal prosecutor, Carla Del Ponte, is poised to decide whether to launch a formal investigation that might lead to indictments of President Bill Clinton, Prime Minister Tony Blair and more than five dozen other top officials - or to drop the matter entirely, as seems most probable.

The merits of the anti-NATO charges aside, the tribunal's reliance on the military assets of Western powers makes it unlikely any prosecutor would turn against her main sources of intelligence and arrests.

But already the mere consideration of the charges by the tribunal has irritated the United States

other NATO governments. Even the tribunal's most ardent champions in the human rights community and elsewhere are worried that the anti-NATO case may have damaged its reputation with an exercise in dangerous relativism.

Mrs. Del Ponte ventured into the belly of the beast Wednesday with her first visit to NATO headquarters and a meeting with its decision-making North Atlantic Council.

According to Graham Blewitt, the deputy prosecutor, almost all of the discussion was about NATO cooperation in arresting indicted war criminals, especially the former Bosnian Serb political leader Radovan Karadzic.

The charges against NATO leaders were raised by two people at the table, he said, and Mrs. Del Ponte made a single response, repeating the tribunal's position that it has a statutory responsibility to investigate all alleged war crimes in the former Yugoslavia.

Mrs. Del Ponte and her staff prepared for more of a confrontation than they got. "We were concerned about the potential harm this might do to our relations with NATO," Mr. Blewitt said. "But we were told that NATO is not above the law, and that for the tribunal to ignore the charges would have affected the integrity of the tribunal. And that is our position, too."

Those charges are sweeping. Michael Mandel, the Canadian law professor who has led the effort among his colleagues, describes the NATO bombing campaign as "a coward's war" and "not even partially legitimized by the Security Council of the United Nations."

What the NATO leadership portrayed as the first humanitarian intervention by great powers, to curtail the suffering of ethnic Albanian citizens in Kosovo, Mr. Mandel called "a terrorist war against the people of Yugoslavia to force President Milosevic to give up."

What has been reported widely as a military targeting process slowed and hampered by disagreement among allied leaders, and one vetted with unprecedented caution by lawyers obsessed about avoiding civilian casualties, Mr. Mandel described as "all-out total war."

NATO bombing from high altitudes "placed all the risk on civilians and made the military immune from risk; this is a violation of the Geneva Conventions," he said. The post-World War II conventions laid out the modern "rules" of war that are the legal foundations of the UN tribunal's jurisprudence.

In a telephone interview from Toronto, where he teaches at York University's Osgoode Hall Law School, Mr. Mandel said "most of the world" agrees with his position.

As for Mr. Milosevic's indictment by the tribunal in May, two weeks before the end of the bombing, Mr. Mandel said it was issued "with indecent haste" and was "dictated by the PR needs of NATO" to demonize its chief adversary.

Mr. Mandel and his colleagues prepared their complaint and brought it to a meeting in June with former Chief Prosecutor Louise Arbour and her staff in The Hague. Ms. Arbour said she would look into it, and ordered the preliminary review of the evidence and the applicable law.

Ms. Arbour was replaced by Mrs. Del Ponte in September, and Mrs. Del Ponte received the staff report just before Christmas. A tribunal source said it contained no recommendations, and did not merit even the term "investigation"; the source said "it was an internal memorandum."

Views differ about Mrs. Del Ponte's attitude toward the NATO dossier at a time when she has more pressing prosecutorial objectives.

Before Wednesday's meeting, NATO officials indicated that they had been assured by Mrs. Del Ponte that she would not carry this exercise far, and had suggested to them that she was embarrassed by having to deal with a tendentious process inherited from her predecessor.

But one former and one current U.S. official familiar with the UN tribunal's work said that Mrs. Del Ponte had given the complaint needless exposure and credibility, and painted the prosecutor's office more squarely into a corner, by discussing the existence of the internal report in the news media and stressing her prerogatives to investigate.

Paul Williams, a war-crimes expert at the American University in Washington, objected vehemently to the implied parity of offenses by the two sides in the Kosovo conflict - that is, accidental casualties by NATO and premeditated butchery by Serb authorities.

By publicly launching an internal review of the matter, even one bound for nowhere, Mr. Williams said, the tribunal was tacitly accepting the comparison, and revealing itself to be politically driven. "You become credible by doing independent prosecutions, not by doing pseudo-prosecutions," he said in a telephone interview from Washington.

NATO's secretary-general, George Robertson, said after the Del Ponte meeting Wednesday that the alliance's commitment to arresting war-crimes suspects remained "beyond question."


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The Tale of Two Trials - It's A Crime Against Humanity Only if Your Side Loses

Thugs of the World United - in Pristina

From: Truth in Media -www.truthinmedia.org.

1. Criminals of the World United - in Pristina: What's Sauce for the Goose, Isn't Sauce for the Gander

PHOENIX, June 30 - The New World Order "justice" has just shown her ugly face again. As the Hague-based International War Crimes Tribunal's legal farce, this judicial face also looks awfully similar to a kangaroo court case (with our apologies to these beautiful animals which have never sued anyone, and only had to defend themselves from man).

The chief justice of this Tribunal, so security conscious that all its proceedings took place on a secure prison island, pronounced yesterday a death sentence on an alleged terrorist. In doing so, the judge said the rebels whose leader was on trial had "murdered thousands of innocent people, among them babies, children, women and the elderly." And he added that the defendant and "the organization he ruled carried out terrorist actions aimed at dividing the state. His activities constitute a serious, immediate and great danger to the country."

So off to the gallows with him, the Court ruled, to the applause of much of the western liberal media. And even some allegedly "conservative" papers said that, "Europe should not chastise (this country) for refusing to legitimate a terrorist" (see the Wall Street Journal editorial, June 30).

Now, let us introduce the cast of characters in the above kangaroo dance. Unlike the kangaroo court at the Hague, this Tribunal was not international. It was very much a national court in session on the Turkish prison island of Imrali. The accused, now a convicted terrorist, was a Kurd, Abdullah Ocalan, the leader of the PKK rebels. Ocalan and his fellow-rebels have been fighting for Kurdistan's secession from Turkey. The judge who pronounced the death sentence was Turgut Okyay, a Turk. You already know who the appreciative and applauding audience were.

Ocalan was captured on Feb. 16 in Kenya by the Turkish government agents, who had been tipped off about his hideout at the Greek embassy in Nairobi by the U.S. intelligence. Israel's alleged complicity in the Ocalan case also led to violent demonstrations on Feb. 16 at the Israeli consulate in Berlin, where Israeli guards shot and killed three Kurdish protesters. Israel denied its involvement in

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the Ocalan's capture, but American intelligence sources told the New York Times (Feb. 17) that Israel's Mossad did help monitor Ocalan's departure from his exile in Syria on Oct. 9, 1998.

Now, let us switch from the real to a hypothetical court, with only the names of places and characters changed:

The chief of this Tribunal, so security conscious that all its proceedings took place on a secure prison island, pronounced yesterday a death sentence on an alleged terrorist. In doing so, the judge said the rebels whose leader was on trial had "murdered thousands of innocent people, among them babies, children, women and the elderly." And he added that the defendant and "the organization he ruled carried out terrorist actions aimed at dividing the state. His activities constitute a serious, immediate and great danger to the country."

So off to the gallows with him, the Court ruled, to the chagrin of much of the western liberal media. And even some allegedly "conservative" papers lectured that, "Europe should chastise (this outlaw country) for punishing a martyr" (see a mock Wall Street Journal editorial).

Now, let us introduce the cast of characters in the above (so far regrettably merely a) fictitious trial. Just like the Turkish Tribunal, this one was very much a national court, in session on the War Island in the Danube, just outside of Belgrade. The accused, yet still a free and roaming terrorist, was an Albanian, Hashim Thaci, a leader of the Albanian KLA rebels, who have been fighting for Kosovo's secession from Serbia. The judge who pronounced the death sentence was Milos Obilic, a Serb who killed the Turkish Sultan Murat at the Battle of Kosovo on June 28, 1389. You already know who the outraged protesting western audiences were.

In a show of support and solidarity with the victim of the of such "Serb kangaroo justice," the State Department spokesman, James Rubin, a close confidant of the U.S. Secretary of Hate, Madeleine Albright, held a joint press conference in Pristina on June 21 with Hashim Thaci - to demonstrate Washington's support for yet another Albanian victim of the Serb oppression.

Now, let us switch back again from the hypothetical to a real world.

First, the preceding paragraph was (also regrettably) NOT about a hypothetical press conference. In the latest demonstration of the "Thugs of the World Unite" solidarity, Thaci and Rubin did appear together in Pristina on June 21, just as noted above. And they did assert the KLA rebels' implicit right to a self-government - secession from Serbia - just as the now convicted terrorist Ocalan's PKK have been seeking from Turkey.

So what's sauce for the goose isn't sauce for the gander. At least not in the NWO kangaroo courts of public opinion. It gets worse, however...

Kosovo has been Serbian territory for at least a thousand years. To this day, there has never been a legal dispute about the Serbs' ownership of this Holy Land, where 610 years ago, some three hundred thousand Serbian knights and fighters were martyred, defending Europe's Christendom against the invading Ottoman hordes. Even the bells of Notre Dame in Paris tolled back then in 1389, (erroneously) saluting, what the French Christians had then thought, was a "Serb victory" over the Asian Islamic marauders.

By contrast to the Albanians who also physically and demographically invaded the Serb Holy Land of Kosovo during the 20th century (see "Kosovo: Bosnia II and Serbia's Aztlan," TiM GW Bulletin 98/3-1, Mar. 6, 1998 - <http://www.truthinmedia.org/Bulletins/tim98-3-1.html>), the Kurds were promised a homeland in the 1920 Treaty of Sevres, which carved up Turkey, after the collapse of the Ottoman Empire. Mustafa Kemal Ataturk, the founder of "modern Turkey," meaning a murderous western vassal, fought to regain the land. And succeeded, thanks to the West's treachery.

Later, the West also cast their other WW I allies, the Greek Christians, down the river in 1922. As the Greek Orthodox Archbishop Pavlos of Astoria, New York, presciently put it in his Mar. 23, 1999-letter to President Clinton, written one day before NATO's bombing of Serbia started (see TiM GW Bulletin 99/3-7, 3/23/99):

"As I write this letter I am listening to your speech on CNN. You are claiming Turkey is a 'moderate Muslim state'... The modern and 'moderate' Turkish State was founded by Mustapha Kemal, the man who in 1922 burnt the cosmopolitan city of Smyrna to the ground, and roasted alive her two-hundred thousand Christian occupants. Smyrna was once the jewel of the Mediterranean. The American Consul Mr. George Horton, who witnessed the carnage, said at the time that not since the Romans razed Carthage had the world seen such destruction. Smyrna had had a Christian presence since the time the Book of the Revelation was given to Saint John where the great city is mentioned.

In 1922, the moderate State of Turkey put an end to that.

The modern and 'moderate' State of Turkey also killed millions of Greek Orthodox Christians in Anatolia and Pontus earlier this century. In 1955, a year in which you and I both lived, the 'moderate' State of Turkey aided and abetted a pogrom against the Greek Orthodox population of Constantinople. In that year the Greek Orthodox of Constantinople numbered over 500,000. Today there are less than 2,000 there.

Is this the type of 'moderate' Muslim future state that the KLA envisions for Kosovo?"

Evidently so, as the Thaci-Rubin joint Pristina press conference showed. And as the U.S. Senate also confirmed, as it voted yesterday (June 30) \$20 million to fund the KLA terrorists' conversion to a standing army, while declaring Yugoslavia a terrorist state.

Talk about role reversals! And examples of Big Brother's Washington reincarnates. The Senate vote was 97-2, leaving no doubt in anyone's mind that our federal government is now in the business of state terrorism while declaring to be fighting it! George Orwell would be having a ball. The Senate move was a part of the \$12.7 billion foreign aid bill (also see S99-113, "Peace" 7, Item 2, June 22).

No word yet as to in what decade of the new millennium the Senate vote on declaring Turkey or Israel as terrorist states might be scheduled.

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

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

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

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

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

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

eneva.

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

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

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Milosevic indicted for War Crimes

*By Mark Clarke
Associated Press Writer
Thursday, May 27, 1997 12:55 pm
EST*

THE HAGUE, Netherlands (AP) — In a historic announcement, an international tribunal said today it indicted Slobodan Milosevic and four powerful aides, calling the Yugoslav president personally responsible for planning and carrying out a gruesome campaign of war crimes in Kosovo.

It was the first time an international court has charged a sitting head of state with such crimes and atrocities.

In Belgrade, a senior government minister was immediately defiant, dismissing the indictments as politically motivated and saying Yugoslav authorities would not recognize the jurisdiction of the U.N. war crimes tribunal. Milosevic met with Greek officials today but made no comment.

The U.N. court's chief prosecutor, Louise Arbour, announced today that arrest warrants have been issued for war crimes against Milosevic dating from the beginning of this year. If the 57-year-old Milosevic can be brought to trial and convicted, he would face a maximum life sentence.

Milosevic's indictment had been



Louise Arbour, chief prosecutor of the UN International Criminal Tribunal for former Yugoslavia, speaks during a press conference in The Hague May 27. (AP)

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widely expected because ethnic Albanians fleeing his brutal regime had been giving

* More news from The Post and the Associated Press.

investigators detailed accounts of massacres, rapes and other atrocities since March, when waves of refugees -- thousands in columns -- were forced to flee the ethnic purge.

The tribunal said it has evidence of war crimes "on a massive scale," and issued repeated calls to the NATO allies involved in the 2-month-old air campaign to gather as much evidence as possible against Milosevic and those carrying out his orders before the proof can be destroyed.

President Clinton welcomed the indictments, saying it should "reassure the victims of Belgrade's atrocities in Kosovo" and "deter future war crimes by establishing that those who give the orders will be held accountable."

The State Department called on Milosevic to surrender but there were fears the indictments could have the effect of further empowering him in Serbia or complicate peace efforts.

"I think he would harden his position," said U.N. peace envoy Eduard Kukan, "and he would harden his future behavior toward the international community."

Besides Milosevic, indicted were: Serbia President Milan Milutinovic, who is commander of Serb forces in Kosovo; Nikola Sainovic, a Yugoslav deputy premier and close aide of Milosevic; Vlatko Stojiljkovic, Serbia's interior minister; and Dragoljub Ojdanic, head of the Yugoslav army.

"There is a credible basis to believe that these accused are criminally responsible for the deportation of 740,000 Kosovo Albanians and for the murder of 340 Kosovo Albanians" from ages 2 to 95, a somber Arbour told a news conference.

"This is a case that is not solely based on command responsibility. We have charged all five accused ... on the basis of personal criminal responsibility for ordering, planning, instigating, executing, for aiding and abetting in the commission of these offenses."

The court has been under mounting pressure from human rights groups to indict top Yugoslav officials for ordering atrocities against civilians in Kosovo, which had a prewar population of 2 million, or failing to prevent or punish subordinates for carrying them out.

But today's 41-page indictment threw renewed diplomatic efforts into question because Western envoys trying to mediate a peaceful settlement to the conflict now face the awkward situation of negotiating with an indicted war crimes suspect.

Yugoslav minister Goran Matic called the indictments a ploy by U.S. and other Western powers to justify NATO airstrikes but State Department spokesman James P. Rubin said "it's a United Nations tribunal ... not American."

The tribunal was expected to deliver the arrest warrants to the Yugoslav Embassy at The Hague. But that doesn't mean Milosevic will be arrested because Yugoslavia has refused to detain or hand over war crimes suspects.

"This court for us does not exist," Branko Brankovic, Yugoslavia's chief envoy to the United Nations' European headquarters in Geneva, declared.

Many officials indicted by the tribunal as war criminals in Bosnia have eluded arrest, including former Bosnian Serb leader Radovan Karadzic and his wartime military chief, Gen. Ratko Mladic, who have remained free since their 1995 indictments.

The allies' Kosovo campaign that began March 24 started 13 months after Milosevic's forces cracked down on ethnic Albanians, killing at least 2,000 people in the southern Serb province.

One Milosevic ally said the wrong person was indicted.

"Now Milosevic is proclaimed a war criminal, and not Clinton, (British Prime Minister Tony) Blair and other political leaders of NATO who are bombing our churches, monasteries and kindergartens," said Zorin Zizic of the Socialist People's Party in Montenegro.

The tribunal has been forced to rely largely on eyewitness accounts from refugees who have poured into neighboring Macedonia and Albania because Belgrade authorities repeatedly refused to let Arbour or her deputies enter Kosovo.

The tribunal pressed hard in recent weeks to gather as much evidence as possible, fearing that Milosevic's forces may be destroying it to cover their tracks.

Arbour has made no apologies for the court's independence and refusal to consider the political consequences of indictments.

Though the U.N. court was set up by the Security Council to prosecute crimes stemming from the wars that followed the breakup of the former Yugoslavia, she has made it clear her mandate extends to the horrors in Kosovo.

Today's indictment was a coup for the court, putting it in the spotlight, but doesn't change the fact that the court is dependent on NATO and other nations for arrest warrants.

overseas banking accounts of the accused be frozen "to prevent foreign assets being used for the purpose of evading justice and to permit effective restitution."

Since it was established in 1993, the court has publicly indicted 84 suspects, but has just 25 in custody in The Hague and has managed to convict and sentence only seven.

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NATO HAS INSTALLED A REIGN OF TERROR IN KOSOVO

by

Michel Chossudovsky

Professor of Economics at the University of Ottawa and author of *The Globalization of Poverty, Impacts of IMF and World Bank Reforms*, Third World Network, Penang and Zed Books, London, 1997.

This text was presented to the Independent Commission of Inquiry to Investigate U.S./NATO War Crimes Against The People of Yugoslavia, International Action Center, New York, July 31, 1999

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MASSACRES OF CIVILIANS

While the World focusses on troop movements and war crimes, the massacres of civilians in the wake of the bombings have been casually dismissed as *"justifiable acts of revenge"*. In occupied Kosovo, "double standards" prevail in assessing alleged war crimes. The massacres directed against Serbs, ethnic Albanians, Roma and other ethnic groups have been conducted on the instructions of the military command of the Kosovo Liberation Army (KLA).

Yet because NATO ostensibly denies KLA involvement, these so-called *"unmotivated acts of violence and retaliation"* are not categorised as "war crimes" and are therefore not included in the mandate of the numerous FBI and Interpol police investigators dispatched to Kosovo under the auspices of the Hague War Crime's Tribunal (ICTY). Moreover, whereas NATO has tacitly endorsed the self-proclaimed KLA provisional government, KFOR --the international security force in Kosovo-- has provided protection to the KLA military commanders responsible for the atrocities. In so doing both NATO and the UN Mission have acquiesced to the massacres of civilians.

In turn, public opinion has been blatantly misled. In portraying the massacres, the Western media has casually overlooked the role of the KLA, not to mention its pervasive links to organised crime. In the words of National Security Advisor Samuel Berger, *"these people [ethnic Albanians] come back ... with broken hearts and with some of those hearts filled with anger"* 1. While the massacres are seldom presented as the result of "deliberate decisions" by the KLA military command, the evidence (and history of the KLA) amply confirm that these atrocities are part of a policy of "ethnic cleansing" directed mainly against the Serb population but also against the Roma, Montenegrins, Goranis and Turks:

Serbian houses and business have been confiscated, looted, or burned, and Serbs have been beaten, raped, and killed. In one of the more dramatic of incidents, KLA troops ransacked a monastery, terrorized the priest and a group of nuns with gunfire, and raped at least one of the nuns. NATO's inability to control the situation and provide equal

protection for all ethnic groups, and its apparent inability or unwillingness to fully disarm the KLA, has created a serious situation for NATO troops...²

The United Nations High Commissioner for Refugees (UNHCR), confirms in this regard that:

"more than 164,000 Serbs have left Kosovo during the seven weeks since... the NATO-led Kosovo Force (KFOR) entered the province... A wave of arson and looting of Serb and Roma homes throughout Kosovo has ensued. Serbs and Roma remaining in Kosovo have been subject to repeated incidents of harassment and intimidation, including severe beatings. Most seriously, there has been a spate of murders and abductions of Serbs since mid-June, including the late July massacre of Serb farmers" ³.

POLITICAL ASSASSINATIONS

Under NATO's regency, the KLA has also ordered assassinations directed against political opponents including "loyalist" ethnic Albanians and supporters of the Kosovo Democratic League (KDL). These acts --ordered by the self-proclaimed Provisional Government of Kosovo (PGK)-- are being carried out in a totally permissive environment. The leaders of the KLA rather than being arrested for war crimes, have been granted KFOR protection.

According to a report of the Foreign Policy Institute (published during the bombings):

"...the KLA have [no] qualms about murdering Rugova's collaborators, whom it accused of the "crime" of moderation... [T]he KLA declared Rugova a "traitor" - yet another step toward eliminating any competitors for political power within Kosovo." ⁴

Already in May, Fehmi Agani, one of Rugova's closest collaborators in the Kosovo Democratic League (KDL) was killed. The Serbs were blamed by NATO spokesperson Jamie Shea for having assassinated Agani. According to Skopje's paper Makedonija Danas, Agani had been executed on the orders of the KLA's self-appointed Prime Minister Hashim Thaci.⁵ *"If Thaci actually considered Rugova a threat, he would not hesitate to have Rugova removed from the Kosovo political landscape." ⁶*

In turn, the KLA has abducted and killed numerous professionals and intellectuals:

"Private and State properties are threatened, home-and apartment-owners are evicted en masse by force and threats, houses and entire villages are burned, cultural and religious monuments are destroyed... A particularly heavy blow... has been the violence against the hospital centre in Pristina, the maltreatment and expulsion of its professional management, doctors and medical staff." ⁷

Both NATO and the UN prefer to turn a blind eye. UN Interim Administrator Bernard Kouchner (a former French Minister of Health) and KFOR Commander Sir Mike Jackson have established a routine working relationship with Prime Minister Hashim Thaci and KLA Chief of Staff Brigadier General Agim Ceku.

ATROCITIES COMMITTED AGAINST THE ROMA

Ethnic cleansing has also been directed against the Roma (which represented prior to the conflict a population group of 150,000 people). (According to figures provided by the Roma Community in New York). A large part of the Roma population has already escaped to Montenegro and Serbia. In turn, there are reports that Roma refugees --who had fled by boat to Southern Italy-- have been expelled by the Italian authorities.⁸ The KLA has also ordered the systematic looting and torching of Romani homes and settlements:

"All houses and settlements of Romani, like 2,500 homes in the residential area called 'Mahala' in the town of Kosovska Mitrovica, have been looted and burnt down". ⁹

With regard to KLA atrocities committed against the Roma, the same media distortions prevail. According to the BBC: "Gypsies are accused by [Kosovar] Albanians of collaborating in Serb brutalities, which is why they've also become victims of revenge attacks. And the truth is, some probably did." 10

INSTALLING A PARAMILITARY GOVERNMENT

As Western leaders trumpet their support for democracy, State terrorism in Kosovo has become an integral part of NATO's post-war design. The KLA's political role for the post-conflict period had been mapped out well in advance. Prior to Rambouillet Conference, the KLA had been promised a central role in the formation of a post-conflict government. The "hidden agenda" consisted in converting the KLA paramilitary into a legitimate and accomplished civilian administration. According to US State Department spokesman James Foley (February 1999):

*"We want to develop a good relationship with them [the KLA] as they transform themselves into a politically-oriented organization, ...[W]e believe that we have a lot of advice and a lot of help that we can provide to them if they become precisely the kind of political actor we would like to see them become."*11

In other words, the US State Department had already slated the KLA "provisional government" (PGK) to run civilian State institutions. Under NATO's "Indirect Rule", the KLA has taken over municipal governments and public services including schools and hospitals. Rame Buja, the KLA "Minister for Local Administration" has appointed local prefects in 23 out of 25 municipalities.12

Under NATO's regency, the KLA has replaced the duly elected (by ethnic Albanians) provisional Kosovar government of President Ibrahim Rugova. The self-proclaimed KLA administration has branded Rugova as a traitor declaring the (parallel) Kosovar parliamentary elections held in March 1998 to be invalid. This position has largely been upheld by the Organisation for Security and Cooperation in Europe (OSCE) entrusted by UNMIK with the post-war task of "democracy - building" and "good governance". In turn, OSCE officials have already established a working rapport with KLA appointees.13

The KLA provisional government (PGK) is made up of the KLA's political wing together with the Democratic Union Movement (LBD), a coalition of five opposition parties opposed to Rugova's Democratic League (LDK). In addition to the position of prime minister, the KLA controls the ministries of finance, public order and defence. The KLA also has a controlling voice on the UN sponsored Kosovo Transitional Council set up by Mr. Bernard Kouchner. The PGK has also established links with a number of Western governments.

Whereas the KLA has been spearheaded into running civilian institutions (under the guidance of the OSCE), members of the duly elected Kosovar (provisional) government of the Democratic League (DKL) have been blatantly excluded from acquiring a meaningful political voice.

ESTABLISHING A KLA POLICE FORCE TO "PROTECT CIVILIANS"

Under NATO occupation, the rule of law has visibly been turned up side down. Criminals and terrorists are to become law-enforcement officers. KLA troops --which have already taken over police stations-- will eventually form a 4,000 strong "civilian" police force (to be trained by foreign police officers under the authority of the United Nations) with a mandate to "protect civilians". Canadian Prime Minister Jean Chretien has already pledged Canadian support to the formation of a civilian police force.14 The latter --which has been entrusted to the OSCE-- will eventually operate under the jurisdiction of the KLA controlled "Ministry of Public Order".

US MILITARY AID

Despite NATO's commitment to disarming the KLA, the Kosovar paramilitary organisation is slated to be transformed into a modern military force. So-called "security assistance" has already been granted to the KLA by the US Congress under the 'Kosovar Independence and Justice Act

of 1999'. Start-up funds of 20 million dollars will largely be "used for training and support for their [KLA] established self-defence forces."15 In the words of KLA Chief of Staff Agim Ceku:

"The KLA wants to be transformed into something like the US National Guard, ... we accept the assistance of KFOR and the international community to rebuild an army according to NATO standards. ... These professionally trained soldiers of the next generation of the KLA would seek only to defend Kosova. At this decisive moment, we [the KLA] do not hide our ambitions; we want the participation of international military structures to assist in the pacific and humanitarian efforts we are attempting here" 16.

While the KLA maintains its links to the Balkans narcotics trade which served to finance many of its terrorist activities, the paramilitary organisation has now been granted an official seal of approval as well as "legitimate" sources of funding. The pattern is similar to that followed in Croatia and in the Bosnian Muslim-Croatian Federation where so-called "equip and train" programmes were put together by the Pentagon. In turn, Washington's military aid package to the KLA has been entrusted to Military Professional Resources Inc (MPRI) of Alexandria, Virginia, a private mercenary outfit run by high ranking former US military officers.

MPRI's training concepts --which had already been tested in Croatia and Bosnia-- are based on imparting "offensive tactics... as the best form of defence".17 In the Kosovar context, this so-called "defensive doctrine" transforms the KLA paramilitary into a modern army without however eliminating its terrorist makeup.18 The objective is to ultimately transform an insurgent army into a modern military and police force which serves the Alliance's future strategic objectives in the Balkans. MPRI has currently "ninety-one highly experienced, former military professionals working in Bosnia & Herzegovina".19 The number of military officers working on contract with the KLA has not been disclosed.

A FORMER CROATIAN GENERAL APPOINTED KLA CHIEF OF STAFF

The massacres of civilians in Kosovo are not disconnected acts of revenge by civilians or by so-called "rogue elements" within the KLA as claimed by NATO and the United Nations. They are part of a consistent and coherent pattern. The intent (and result) of the KLA sponsored atrocities have been to trigger the "ethnic cleansing" of Serbs, Roma and other minorities in Kosovo.

KLA Commander Agim Ceku referring to the killings of 14 villagers at Gracko on July 24, claimed that: "We [the KLA] do not know who did it, but I sincerely believe these people have nothing to do with the KLA."20 In turn, KFOR Lieutenant General Sir Mike Jackson has commended his KLA counterpart, Commander Agim Ceku for "efforts undertaken" to disarm the KLA. In fact, very few KLA weapons have been handed in. Moreover, the deadline for turning in KLA weaponry has been extended. "I do not regard this as noncompliance" said Commander Jackson in a press conference, "but rather as an indication of the seriousness with which General Ceku is taking this important issue." 21

Yet what Sir Mike Jackson failed to mention is that KLA Chief of Staff Commander Agim Ceku (although never indicted as a war criminal) was (according to *Jane Defence Weekly* June 10 1999) "one of the key planners of the successful 'Operation Storm'" led by the Croatian Armed Forces against Krajina Serbs in 1995.

General Jackson --who had served in former Yugoslavia under the United Nations Protection Force (UNPROFOR)-- was fully cognizant of the activities of the Croatian High Command during that period including the responsibilities imparted to Brigadier General Agim Ceku. In February 1999, barely a month prior to the NATO bombings, Ceku left his position as Brigadier General with the Croatian Armed Forces to join the KLA as Commander in Chief.

FROM KRAJINA TO KOSOVO: THE SHAPE OF THINGS TO COME

According to the Croatian Helsinki Committee for Human Rights, Operation Storm resulted in the massacre of at least 410 civilians in the course of a three day operation (4 to 7 August 1995). 22 An internal report of The Hague War Crimes Tribunal (leaked to the *New York Times*), confirmed

that the Croatian Army had been responsible for carrying out

"summary executions, indiscriminate shelling of civilian populations and "ethnic cleansing" in the Krajina region of Croatia...."23

In a section of the report entitled *"The Indictment. Operation Storm, A Prima Facie Case."*, the ICTY report confirms that:

"During the course of the military offensive, the Croatian armed forces and special police committed numerous violations of international humanitarian law, including but not limited to, shelling of Knin and other cities... During, and in the 100 days following the military offensive, at least 150 Serb civilians were summarily executed, and many hundreds disappeared....In a widespread and systematic manner, Croatian troops committed murder and other inhumane acts upon and against Croatian Serbs" 24.

US "GENERALS FOR HIRE"

The internal 150 page report concluded that it has *"sufficient material to establish that the three [Croatian] generals who commanded the military operation"* could be held accountable under international law. 25 The individuals named had been directly involved in the military operation "in theatre". Those involved in "the planning of Operation Storm" were not mentioned:

"The identity of the "American general" referred to by Fenrick [a Tribunal staff member] is not known. The tribunal would not allow Williamson or Fenrick to be interviewed. But Ms. Arbour, the tribunal's chief prosecutor, suggested in a telephone interview last week that Fenrick's comment had been 'a joking observation'. Ms. Arbour had not been present during the meeting, and that is not how it was viewed by some who were there. Several people who were at the meeting assumed that Fenrick was referring to one of the retired U.S. generals who worked for Military Professional Resources Inc.... Questions remain about the full extent of U.S. involvement. In the course of the three-year investigation into the assault, the United States has failed to provide critical evidence requested by the tribunal, according to tribunal documents and officials, adding to suspicion among some there that Washington is uneasy about the investigation... The Pentagon, however, has argued through U.S. lawyers at the tribunal that the shelling was a legitimate military activity, according to tribunal documents and officials.26.

The Tribunal was attempting to hide what had already been revealed in several press reports published in the wake of Operation Storm. According to a US State Department spokesman, MPRI had been helping the Croats *"avoid excesses or atrocities in military operations."*27 . Fifteen senior US military advisers headed by retired two star General Richard Griffiths had been dispatched to Croatia barely seven months before Operation Storm. 28 According to one report, MPRI executive director General Carl E. Vuono: *"held a secret top-level meeting at Brioni Island, off the coast of Croatia, with Gen. Varimar Cervenka, the architect of the Krajina campaign. In the five days preceding the attack, at least ten meetings were held between General Vuono and officers involved in the campaign..."29*

According to Ed Soyster a senior MPRI executive and former head of the Defence Intelligence Agency (DIA):

"MPRI's role in Croatia is limited to classroom instruction on military-civil relations and doesn't involve training in tactics or weapons. Other U.S. military men say whatever MPRI did for the Croats--and many suspect more than classroom instruction was involved--it was worth every penny. "Carl Vuono and Butch [Crosbie] Saint are hired guns and in it for the money," says Charles Boyd, a recently retired four-star Air Force general who was the Pentagon's No. 2 man in Europe until July [1995]. "They did a very good job for the Croats, and I have no doubt they'll do a good job in Bosnia. " 30.

THE HAGUE TRIBUNAL'S COVER UP

The untimely leaking of the ICTY's internal report on the Krajina massacres barely a few days before the onslaught of NATO's air raids on Yugoslavia was the source of some embarrassment to the Tribunal's Chief Prosecutor Louise Arbour. The Tribunal (ICTY) attempted to cover up the matter and trivialise the report's findings (including the alleged role of the US military officers on contract with the Croatian Armed Forces). Several Tribunal officials including American Lawyer Clint Williamson sought to *discredit the Canadian Peace-keeping officers' testimony who witnessed the Krajina massacres in 1995*.³¹

*Williamson, who described the shelling of Knin as a "minor incident," said that the Pentagon had told him that Knin was a legitimate military target... The [Tribunal's] review concluded by voting not to include the shelling of Knin in any indictment, a conclusion that stunned and angered many at the tribunal"...*³²

The findings of the Tribunal contained in the leaked ICTY documents were downplayed, their relevance was casually dismissed as *"expressions of opinion, arguments and hypotheses from various staff members of the OTP during the investigative process"*.³³ According to the Tribunal's spokesperson *"the documents do not represent in any way the concluded decisions of the Prosecutor."*³⁴

The internal 150 page report has not been released. The staff member who had leaked the documents is (according to a Croatian TV report) no longer working for the Tribunal. During the press Conference, the Tribunal's spokesman was asked: *"about the consequences for the person who leaked the information"*, Blewitt [the ICTY spokesman] replied that he did not want to go into that. He said that the OTP would strengthen the existing procedures to prevent this from happening again, however he added that you could not stop people from talking".³⁵

THE USE OF CHEMICAL WEAPONS IN CROATIA

The massacres conducted under Operation Storm "set the stage" for the "ethnic cleansing" of at least 180,000 Krajina Serbs (according to estimates of the Croatian Helsinki Committee and Amnesty International). According to other sources, the number of victims of ethnic cleansing in Krajina was much larger.

Moreover, there is evidence that chemical weapons had been used in the Yugoslav civil war (1991-95).³⁶ Although there is no firm evidence of the use of chemical weapons against Croatian Serbs, an ongoing enquiry by the Canadian Minister of Defence (launched in July 1999) points to the possibility of toxic poisoning of Canadian Peace-keepers while on service in Croatia between 1993 and 1995:

*"There was a smell of blood in the air during the past week as the media sensed they had a major scandal unfolding within the Department of National Defense over the medical files of those Canadians who served in Croatia in 1993. Allegations of destroyed documents, a coverup, and a defensive minister and senior officers..."*³⁷.

The official release of the Department of National Defence (DND) refers to possibility of toxic "soil contamination" in Medak Pocket in 1993 (see below). Was it "soil contamination" or something far more serious? The criminal investigation by the Royal Canadian Mounted Police (RCMP) refers to the shredding of medical files of former Canadian peace-keepers by the DND. In other words did the DND have something to hide? The issue remains as to what types of shells and ammunitions were used by the Croatian Armed Forces -- ie. were chemical weapons used against Serb civilians?

OPERATION STORM: THE ACCOUNT OF THE ROYAL CANADIAN REGIMENT

Prior to the onslaught, Croatian radio had previously broadcasted a message by president Franjo

Tudjman, calling upon "Croatian citizens of Serbian ethnicity... to remain in their homes and not to fear the Croatian authorities, which will respect their minority rights". 38. Canadian peace-keepers of the Second Battalion of the Royal 22nd Regiment witnessed the atrocities committed by Croatian troops in the Krajina offensive in September 1995:

"Any Serb who had failed to evacuate their property were systematically "cleansed" by roving death squads. Every abandoned animal was slaughtered and any Serb household was ransacked and torched". 39.

Also confirmed by Canadian peace-keepers was the participation of German mercenaries in Operation Storm:

Immediately behind the front-line Croatian combat troops and German mercenaries, a large number of hard-line extremists had pushed into the Krajina.... Many of these atrocities were carried out within the Canadian Sector, but as the peacekeepers were soon informed by the Croat authorities, the UN no longer had any formal authority in the region.40.

How the German mercenaries were recruited was never officially revealed. An investigation by the United Nations Human Rights Commission (UNHRC) confirmed that foreign mercenaries in Croatia had in some cases "been paid [and presumably recruited] outside Croatia and by third parties"41

THE 1993 MEDAK POCKET MASSACRE

According to *Jane Defence Weekly* (10 June 1999), Brigadier General Agim Ceku (now in charge of the KLA) also "masterminded the successful HV [Croatian Army] offensive at Medak" in September 1993. In Medak, the combat operation was entitled "Scorched Earth" resulting in the total destruction of the Serbian villages of Divoselo, Pocitelj and Citluk, and the massacre of over 100 civilians.42

These massacres were also witnessed by Canadian peace-keepers under UN mandate:

"As the sun rose over the horizon. It revealed a Medak Valley engulfed in smoke and flames. As the frustrated soldiers of 2PPCLI waited for the order to move forward into the pocket, shots and screams still rang out as the ethnic cleansing continued.... About 20 members of the international press had tagged along, anxious to see the Medak battleground. Calvin [a Canadian officer] called an informal press conference at the head of the column and loudly accused the Croats of trying to hide war crimes against the Serb inhabitants. The Croats started withdrawing back to their old lines, taking with them whatever loot they hadn't destroyed. All livestock had been killed and houses torched. French reconnaissance troops and the Canadian command element pushed up the valley and soon began to find bodies of Serb civilians, some already decomposing, others freshly slaughtered.... Finally, on the drizzly morning of Sept. 17, teams of UN civilian police arrived to probe the smouldering ruins for murder victims. Rotting corpses lying out in the open were catalogued, then turned over to the peacekeepers for burial. 43.

The massacres were reported to the Canadian Minister of Defence and to the United Nations:

Senior defence bureaucrats back in Ottawa had no way of predicting the outcome of the engagement in terms of political fallout. To them, there was no point in calling media attention to a situation that might easily backfire.... So Medak was relegated to the memory hole - no publicity, no recriminations, no official record. Except for those soldiers involved, Canada's most lively military action since the Korean War simply never happened. 44

NATO'S POST-CONFLICT AGENDA IN KOSOVO

Both the Medak Pocket massacre and Operation Storm bear a direct relationship to the ongoing

security situation in Kosovo and the massacres and ethnic cleansing committed by KLA troops. While the circumstances are markedly different, several of today's actors in Kosovo were involved (under the auspices of the Croatian Armed Forces) in the planning of both these operations. Moreover, the US mercenary outfit MPRI which collaborated with the Croatian Armed Forces in 1995 is currently on contract with the KLA. NATO's casual response to the appointment of Brigadier General Agim Ceku as KLA Chief of Staff was communicated by Mr. Jamie Shea in a Press Briefing in May:

*"I have always made it clear, and you have heard me say this, that NATO has no direct contacts with the KLA. Who they appoint as their leaders, that is entirely their own affair. I don't have any comment on that whatever."*⁴⁵

While NATO says it *"has no direct contacts with the KLA"*, the evidence confirms the opposite. Amply documented, KLA terrorism has been installed with NATO's tacit approval. The KLA had (according to several reports) been receiving "covert support" and training from the CIA and Germany's Bundes Nachrichten Dienst (BND) since the mid-nineties. Moreover, MPRI collaboration with the KLA predates the onslaught of the bombing campaign.⁴⁶ Moreover, the building up of KLA forces was part of NATO planning. Already by mid-1998, "covert support" had been replaced by official ("overt") support by the military Alliance in violation of UN Security Council Resolution UNSCR 1160 of 31 March 1998 which condemned: *"...all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training."*

NATO officials, Western heads of State and heads of government, the United Nations Secretary General Kofi Annan not to mention ICTY chief Prosecutor Louise Arbour, were fully cognizant of General Brigadier Agim Ceku's involvement in the planning of Operation Storm and Operation Scorched Earth. Surely, some questions should have been asked...

Yet visibly what is shaping up in the wake of the bombings in Kosovo is *the continuity* of NATO's operation in the Balkans. Military personnel and UN bureaucrats previously stationed in Croatia and Bosnia have been routinely reassigned to Kosovo. KFOR Commander Mike Jackson had previously been responsible --as IFOR Commander for organising the return of Serbs "to lands taken by Croatian HVO forces in the Krajina offensive".⁴⁷ And in this capacity General Mike Jackson had *"urged that the resettlement [of Krajina Serbs] not [be] rushed to avoid tension [with the Croats]... while also warning returning Serbs 'of the extent of the [land] mine threat'"*⁴⁸. In retrospect, recalling the events of early 1996, very few Krajina Serbs were allowed to return to their homes under the protection of the United Nations.

And a similar process is unfolding in Kosovo, --ie. the conduct of senior military officers conforms to a consistent pattern, the same key individuals are now involved in Kosovo. While token efforts are displayed to protect Serb and Roma civilians, those who have fled Kosovo are not encouraged to return under UN protection... In post-war Kosovo, "ethnic cleansing" implemented by the KLA has been accepted by the "international community" as a *"fait accompli"*...

While calling for democracy and "good governance" in the Balkans, the US and its allies have installed in Kosovo a paramilitary government with links to organised crime. The foreseeable outcome is the outright *"criminalisation"* of civilian State institutions and the establishment of what is best described as a "Mafia State". The complicity of NATO and the Alliance governments (namely their relentless support to the KLA) points to the de facto *"criminalisation"* of KFOR and of the UN peace-keeping apparatus in Kosovo. The donor agencies and governments (eg. the funds approved by the US Congress in violation of several UN Security Council resolutions) providing financial support to the KLA are, in this regard, also "accessories" to the de facto criminalisation of State institutions. Through the intermediation of a paramilitary group (created and financed by Washington and Bonn), NATO ultimately bears the burden of responsibility for the massacres and ethnic cleansing of civilians in Kosovo.

STATE TERROR AND THE "FREE MARKET"

State terror and the "free market" seem to go hand in hand. The concurrent "criminalisation" of

State institutions in Kosovo is not incompatible with the West's economic and strategic objectives in the Balkans. Notwithstanding the massacres of civilians, the self-proclaimed KLA administration has committed itself to establishing a "secure and stable environment" for foreign investors and international financial institutions. The Minister of Finance Adem Grobozci and other representatives of the provisional government invited to the various donor conferences are all KLA appointees. In contrast, members of the KDL of Ibrahim Rugova (duly elected in parliamentary elections) were not even invited to attend the Stabilisation Summit in Sarajevo in late July.

"Free market reforms" are envisaged for Kosovo under the supervision of the Bretton Woods institutions largely replicating the structures of the Rambouillet agreement. Article I (Chapter 4a) of the Rambouillet Agreement stipulated that: *"The economy of Kosovo shall function in accordance with free market principles"*. The KLA government will largely be responsible for implementing these reforms and ensuring that loan conditionalities are met.

In close liaison with NATO, the Bretton Woods institutions had already analysed the consequences of an eventual military intervention leading to the military occupation of Kosovo: almost a year prior to the beginning of the War, the World Bank conducted "simulations" which *"anticipated the possibility of an emergency scenario arising out of the tensions in Kosovo"*. 49.

The eventual "reconstruction" of Kosovo financed by international debt largely purports to transfer Kosovo's extensive wealth in mineral resources and coal to multinational capital. In this regard, the KLA has already occupied (pending their privatisation) the largest coal mine at Belacevac in Dobro Selo northwest of Pristina. In turn, foreign capital has its eyes rivetted on the massive Trepca mining complex which constitutes *"the most valuable piece of real estate in the Balkans, worth at least \$5 billion."* 50. The Trepca complex not only includes copper and large reserves of zinc but also cadmium, gold, and silver. It has several smelting plants, 17 metal treatment sites, a power plant and Yugoslavia's largest battery plant. Northern Kosovo also has estimated reserves of 17 billion tons of coal and lignite.

In the wake of the bombings, the management of many of the State owned enterprises and public utilities were taken over by KLA appointees. In turn, the leaders of Provisional Government of Kosovo (PGK) have become "the brokers" of multinational capital committed to handing over the Kosovar economy at bargain prices to foreign investors. The IMF's lethal "economic therapy" will be imposed, the provincial economy will be dismantled, agriculture will be deregulated, local industrial enterprises which have not been totally destroyed will be driven into bankruptcy.

The most profitable State assets will eventually be transferred into the hands of foreign capital under the World Bank sponsored privatisation programme. "Strong economic medicine" imposed by external creditors will contribute to further boosting a criminal economy (already firmly implanted in Albania) which feeds on poverty and economic dislocation.

"The Allies will work with the rest of the international community to help rebuild Kosovo once the crisis is over: The International Monetary Fund and Group of Seven industrialized countries are among those who stand ready to offer financial help to the countries of the region. We want to ensure proper co-ordination of aid and help countries to respond to the effects of the crisis. This should go hand in hand with the necessary structural reforms in the countries affected -- helped by budget support from the international community." 51

Moreover, the so-called "reconstruction" of the Balkans by foreign capital will signify multi-billion contracts to foreign firms to rebuild Kosovo's infrastructure. More generally, the proposed "Marshall Plan" for the Balkans financed by the World Bank and the European Development Bank (EBRD) as well as private creditors will largely benefit Western mining, petroleum and construction companies while fuelling the region's external debt well into the third millennium.

And Kosovo is slated to reimburse this debt through the laundering of dirty money. Yugoslav banks in Kosovo will be closed down, the banking system will be deregulated under the supervision of Western financial institutions. Narco-dollars from the multi-billion dollar Balkans drug trade will be recycled towards servicing the external debt as well as "financing" the costs of "reconstruction". The lucrative flow of narco-dollars thus ensures that foreign investors involved in the "reconstruction" programme will be able reap substantial returns. In turn, the existence of a Kosovar "narco-State" ensures the orderly reimbursement of international donors and creditors. The latter are prepared to turn blind eye. They have a tacit vested interest in installing a

government which facilitates the laundering of drug money.

The pattern in Kosovo is, in this regard, similar to that observed in neighbouring Albania. Since the early 1990s (culminating with the collapse of the financial pyramids in 1996-97), the IMF's reforms have impoverished the Albanian population while spearheading the national economy into bankruptcy. The IMF's deadly economic therapy transforms countries into open territories. In Albania and to a lesser extent Macedonia, it has also contributed to fostering the growth of illicit trade and the criminalisation of State institutions.

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Art 9 Universele Verklaring

STB 1945, T. 321

"Nemend het ordenen van een uitspraak over de, debet of verplichting"

de handeling
rechtelijk hand
niet
verplichting

art 27 Een ieder, die wegens een strafbaar feit wordt vervolgd, heeft recht op een openbaar proces. Het is de plicht van de overheid om een openbaar proces te houden, waarbij alle omstandigheden, recht en verdediging, zijn tegengehouden.

art 8. Een ieder heeft recht op grondwettelijke rechtspraak van een gerecht natuurlijk rechterlijke instanties tegen handelingen, welke in strijd zijn met de grondwetten van het land. Grondwet of wet
access to natural court.

art 28: Een ieder heeft recht op het bestemmen van een rechtelijke overeenkomstige en internationale orde, die de rechten van de mens, in de Verklaring genoemd, dienen te worden beschermd.

IVBPR (TRB 1969, 99)

art 2 Iedere Staat die partij is bij dit Verdrag verbindt zich de in dit Verdrag bedoelde rechten te waarborgen en deze. Om een ieder die hierna zijn grondwettelijk recht en van zijn rechtshulp is onderworpen te verschaan voor onderscheid van welke aard ook (---).

art 2 lid 3 Iedere Staat die partij is bij dit Verdrag verbindt zich:
a) te verschaan dat een ieder was recht of vrijheid als in dit Verdrag bedoeld, wordt gehandeld een effectief rechts middel ten beschikking heeft, zelfs indien de schending zeer zwaar is, en de autoriteiten in de context van hun ambtelijke legeren door personen in de context van hun ambtelijke legeren.
b) te verschaan dat voortdurend recht in de zin van het rechts-middel aanwezig is, zodat door de benoemde rechterlijke, bestuurlijke of wetgevende autoriteit, of door een andere autoriteit die de rechten van de mens beschermen, kan worden bereikt, en de mogelijkheid van een beroep kan worden verzekerd.
c) te verschaan dat de benoemde autoriteit, die de rechten van de mens beschermen, is geheel onafhankelijk.

Handwritten signature or initials.

art 5 but 2: That is not to say any particular rule in the way that
in a last, my judge will apply the principle, according to, words of
of yourself, with each of last, to the effect of even of the way,
with yourself that that which is not what of that let
see should be made with each.

at 981 Een tek heeft reikt op uylend en verhyft van zyn persoon.
Ment may made andere wyse an welken wyse overstate
of geyngelichheid. Ment may zyn uylend noch onbrenn
leuke op wette gonden en op wette wyse

antw. 2. Eénmaal die op beschikking van het bevoegd en a. strafbaar
feit wordt geconstateerd of ~~gewoon~~ gewoon behaalde de
aanwijzing van de rechter te worden getuigd of was er een strafbaar
die dan de wet bevoegde rechtshandeling moet uitbreiden
of op een andere manier het recht door de rechter te
bevestigen.

arg. 4 Each one in the area of young hunting may be found
is unknown, but I let call coming to me by the latter,
and that the latter some birds have been seen in the
with the last in the young hunting area, many probably
behave, under the young hunting area, is

at g. r. ~~each leaf~~ die shortly after first use on another
anastomosis of young branch left but not up
whole wood being

1819. bid. Allen is gelijc vande rechte en de reellenlyke instates. By het
lezen vande gesondheit en een leze van instellen strafverhoj, of
het instellen van een burgerlyke rechte en verhojten en of
rechten gelyc, heeft een recht vult op een eulijke en gelyke bekeken
der een bekeken, en gelyke en gelyke by de wet
ingestelde reellenlyke instaten

Lid 2: es geht die wege so stark zu fassen wie ein beispiel. und man hat
nicht von unvollständiger gebilde als ein schuld wozu sie auch
↓ besser.

wt 14 luts: En ook die wegens de strafbaarfert is verworpen heeft het
zelf de schuldvergeving en chancely opweert de beoordenen
door de hooger rechtscollegie vereeniging de wet

gentle: 4 yr
high with college

at 14 led to. realt up & shut the lower belly on verlanke
on average the record is.

[illegible]

Art 30: Hundst und Kranz der Natur

De Verheydenen want hun hulpmannen te hebben die bij rooien
antwoord te geven in de kerk.

→ Tribunal is 'een hulporgaan' in de Verklingsband en niet
'vrijen in de Verklings Nities'
→ dus heer en aankomst in rechtspraak 1 v. 1
niet hulporgaan hulporgaan!

(4)
Art 53 Weens Verdragswetgeving

Elke verdragen dat op het gebied van zijn toelatingen en strekt
niet en daarmee naar eenzijdig welken, is niet.
Voor de toepassing van dit Verdrag is een dergelijke naar en afgeen
welken en naar die overeenkomst en leidend is door de internationale
gemeenschap van Staten in hun geheel, als een naar, waarvan
geen afwijking is toegestaan en de slechts kan worden gewijzigd
door de latere naar en afgeen welke niet in de afgeen oord

Art 64 Weens Verdragswetgeving
Art 1

En verdragen waarvan de ongeldigheid voortvloeit uit het Verdrag welke
ongeldigheid, is niet. De bepalingen van een verdragen
betreffende welke overeenkomst

VERDRAGEN EN ONAEBHOEDIGHEID

De Verdragswetgeving Het Handvest van in art 41 Limitatief
de naar gemaakte verdragen welke op die gemeen
kunnen worden om zijn bevestiging te krijgen:
"Waarom omvatten het verdragen of gedeeltelijk
verdragen van de economische betrekkingen, alsmede van de
spoor-, zee-, lucht, post-, telegrafische en radiotelegrafische
en andere verdragen, en het afsluiten van diplomatieke
betrekkingen"

shult slechts geldt te dien ten aanzien dat "De Verdragswetgeving
kan de hulpverlening instellen die bij actie acht van de
verdragen en in tekenen" → art 29 met des gemaakte zijn op
economische betrekkingen, welke verdragen

Beachten: Rechtspraak is geënt aan de Verdragswetgeving.

met het oog op het scheppen van een sfeer van stabiliteit en welzijn, nodigt een dit onderhouden van vreedzame en vriendschappelijke betrekkingen tussen de volken, welke zijn gekenmerkt door het beginsel van gelijke rechten en zelfbeschikking van volken, bevestigd in de Verdragen van Versailles.

c. universele eerbiediging en aanvaarding van de rechten van de mens en de fundamentele vrijheden van allen, zonder onderscheid naar ras, geslacht, taal of godsdienst

art 5 EVRM : (...) Het moet mogelijk zijn invloed te maken, behalve in de noodgedwongen gevallen en overeenkomstig een volledige wettelijke procedure:

— indien bij de rechterlijke procedure is gevestigd of geacht te worden dat de bevoegde rechterlijke instantie te worden geroepen (...)

lid 4: Een ieder, wie dan ook, die is gearresteerd of deteneerd, heeft het recht om kennis te worden gegeven van het feit dat deze oproeping bestaat over de rechtsmatigheid van zijn detentie en zijn vrijheidsberoving te bevestigen, indien de detentie onwettelijk is.

lid 5: Een ieder die het slachtoffer is geweest van een arrestatie of een detentie in strijd met de bepalingen van dit artikel, heeft recht op schadevergoeding.

art 6 lid 1: Bij het vaststellen van zijn burgerlijke rechten of verplichtingen of bij het bepalen van de verantwoordelijkheid en de aansprakelijkheid heeft een ieder recht op een eerlijke en openbare hoorzitting in zijn recht, hoewel een wettelijke aanpak, door een onafhankelijke en onpartijdige gerecht dat hij wettelijk is is vastgesteld (...),

art 6 lid 2: Een ieder leyt wie een overlying macht ingesloten
heeft een onwettig gebruik. Het is zijn schuld
in rechte is hem ierst te staan.

art 13: Een ieder heeft recht te wijzen die in dit Verdrag
zijn vermeld, zijn geschonden, heeft recht op
een daatuebelijg rechtsmiddel voor een
nationale instantie (...)

art 25 instrumenteel behoudt

art 26 een nationale rechtsmiddel kan uitgesloten

art 29 als je een de comone hou, kun je ook een lid zijn

art 48 lid 2: een panel geldt niet of een recht
dan het Hof van behouding moet
gebruiken

art 1: De Hoge Verdragsluitende Partijen
verkeeren de rechte die ressorteert onder
hun rechtsmacht de rechte en ingefen in de
Eerste Titel in dit Verdrag

art 2 / VBR ✓
lid 1: Terecht staat de partij is bij dit Verdrag vermeld
dat die in dit Verdrag eiken recht te behouden en
dat een ieder die binnen zijn grondgebied verblijft
en aan zijn rechtsmacht is onderworpen te verkeeren (...)

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>
 Sent: woensdag 21 november 2001 14:25
 Subject: SloM

The URL for this article is <http://www.icdsm.org/more/horse.htm>

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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. You may skip right to this list. Or first consider the following direct evidence. It is straight from the horse's mouth.

"She will because we will allow her to. "

Did you think the Tribunal was free to indict anyone without respect to rank or nationality?

Exhibit A: Press Conference held by 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. "

[Transcript of May 17, 1999 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 are indulging in hyperbole when they say Madeline Albright is "Mother of the Tribunal"?

EXHIBIT B: Excerpts from speech by Gabrielle Kirk McDonald, President of the 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-pcli.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 It

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

"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 *'allow 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.

www.icdsm.org

van holst en steijnen

From: Jovan Grbic <ssicc@planet.nl>
To: <vlada@sps.org.yu>; <vucic@srs.org.yu>; <dceca@yubc.net>; <yuambanl@bart.nl>;
 <106057.1021@compuserve.com>; <camp@antiimperialista.com>; <michel.collon@skynet.be>;
 <chuck@hulshoff.nl>; <my636847@asianhistory.myweb.nl>; <n.h.van.holst@freeler.nl>
Sent: zondag 16 september 2001 16:41
Subject: Prof.Kent - Knezevic

IT IS HIGH TIMEa
 FOR
 TRUTH, THE WHOLE TRUTH
 Reflections on Crime and

Punishment

R.K Kent

This writer was standing in a Madison, Wisconsin, bookstore, classical music coming through a rather good radio, when a news-break announced that President Kennedy had been shot in Dallas. A sudden numbness was overtaken by tears and a sense of helplessness. Given the political context of the times, I automatically assumed that conspiracy to kill him was involved and my being turned to anger and strong desire to find and put to death his killer or killers and those who had planned the assassination. While not supporting a number of JFK's foreign-policy moves I loved the man for his elegance, his wit and his youth. Something inside of me was dying with him.

A strikingly similar progression came about early Tuesday morning in California, when the CBS News reported over another rather good radio that massive destruction in New York City's World Trade Center and in the Pentagon had taken place, with huge loss of lives. There was one added difference, beyond the number of lives lost. The anger and desire to punish was augmented by an almost physically painful frustration.

The U.S. involvement in the Balkans and a general foreign-policy arrogance during the Clinton Era, articulated most forcefully by Madeleine Albright, led me to try and convince our foreign-policy "elite" of two major dangers. One was that our unquestioned might and supremacy in the world spell neither omnipotence nor a high degree of security. The other one was that the American People will ultimately come to pay the price of this "elite's" misguided, egregious and, at times, even deliberately evil influence on acts abroad. In 1997, Congress was petitioned not to allow Madeleine Albright to become the Secretary of State (extract reproduced below). The initial alarm. (extract also reproduced below) was printed abroad in 1996. There are two latest ones. "Dangerous Gap - Legacy of the Clinton Era" was written in May 2001 and posted on the Internet. The last one appeared in the Washington Times' Insight Magazine (as well as Pravda) on 31 August 2001.

Such sudden access came as a miracle. Why? Because no one in the U.S. would publish any of my articles penned in the course of six years. Of the dozens of letters to the Editor only one was printed in a truncated fashion. I came to understand that a powerful thought control existed in this Land of Freedom. It could turn rational, even learned and researched articles by a reputable scholar into inconsequential rant, good mainly for use as toilet paper.

Something else was learned the hard way too. During the

so-called "air war" against Yugoslavia (24 March-5 June 1999) a combination of Government and Corporate Media manipulated the American People with shameless and unmitigated savagery. The greatest allies of this manipulation were the general apathy and various "humanitarian" agendas. One result was that the public at large could not "connect" events in an area of no apparent National Interest or proximity to the U.S. with any harm coming home. The other is that American "Exceptionalism" and the moral purity of Innocence precluded the possibility that completely amoral, perverse and obscene persons could come to dominate our foreign policy and shape our acts abroad. It was apparently not grasped then as it is not

perceived now that no matter what foreign policy decisions are made and implemented their Originators and Executors are never held accountable and have never faced prison terms and capital punishment

for having caused destruction, loss of life and misery abroad.

The First Question

The attacks of last Tuesday have been compared with Pearl Harbor. They

represent another sneak attack. Pearl Harbor impelled the American People to support the U.S. entry into World War II, going on for some

two years then. The carnage in New York City and Washington is impelling the American People to support, as they are told, the U.S. entry into WWII. But, this is where the similarities terminate without being carried toward two questions that must be asked.

The attacker at Pearl Harbor was geographically finite and fully identified. It was not associated with a major religion. It synchronized the State with its military might. The opposite holds true today. Potential and proven anti-American terrorists are diffused all over Asia, with some in Africa, Europe, Latin America and even within the United States as "sleepers." Most are, however, in areas in which Islam is the State Religion. All of the governments

which allow anti-American terrorist groups on their turfs do not tolerate terrorism against themselves. The potential anti-American terrorists are not synchronized with the States that harbor them. The Japanese attack on Pearl Harbor aimed at expulsion of the U.S. might and economic interests from Asia while seeking to replace them. While there are some with an ardent desire to expel U.S. might and economic interests from the Middle East, the U.S. is the major purchaser of its oil. Equally, the anti-American terrorists are not seeking to overthrow and replace the existing governments in states that allow them residence. Some terrorists and would-be terrorists are nationals of a host state, others are not. So, the first question must be: what is the aim or aims of "attack on the United States?"

The answers given so far consist mainly of asserting our endemic goodness and the terrorist evil. "They" are out to destroy our way of

life. "They" come from an entirely different culture. "They" are religious zealots of Islam, the Fundamentalists. "They" fear us as

a Beacon of Freedom. "They" call us "The Great Satan" because our secularism and economic system have brought undeniable prosperity to the American People, an example replicated in post-war Western Europe and Japan, with U.S. help. "They" hate us because of our unyielding support for Israel. "They" struck in order to instill fear into the American psyche. There are some elements of truth in all

of this. The U.S. has been unpopular among the Middle Eastern Arab populations (often called "The Street" by Middle Eastern specialists here) since the mid-1940.s but attacks against the U.S. at home add up

to just two, one recent (first destruction of the World Trade Center)

and the other just three days old.

There has been such an escalation of hatred to the point that some 20 men, including four professional pilots, could be found among the Arabs willing to commit suicide in order to make a specific point of impact. Their immediate aim was to convince "the Americans" that they can be hit badly AT HOME, that they are hardly invulnerable and that if they are not to face even worse attacks at home with

other and more destructive weapons their leaders MUST CHANGE their

foreign policy abroad. A broader aspect of this change is to provoke the U.S. into military retaliation against Islamic host states. As this would involve necessarily attacks on civilian populations, it would ignite and radicalize the whole world of Islam against the U.S. As a member of our foreign policy "elite" might say, "Harrington's scenario of the Clash of Civilizations is here." It is a nice pseudo-intellectual way of closing the debate.

In so far as Israel is concerned, those adhering to the terrorist option have concluded that Israel treats the Palestinians increasingly like a Racist Colonial-Imperial Power, combining punishment with humiliation. More than that, they perceive an "Israelization" of America's foreign policy over the last decade as the U.S. which has armed, aided and "sanctioned" this Imperial Israel, is now behaving as its replica toward the rest of the world. This "twist" is the direct result not of the continuous U.S. assistance to Israel but of its attack on Yugoslavia. Despite their religious affinity with Kosovo's Muslim Albanians, the vast majority of Arabs saw something new and most disturbing, with deep links to their own past.

They saw that a people IN EUROPE that had done no harm to the United States got their infrastructure taken out, with civilian casualties, with bombs and missiles for eleven weeks without any real defense and without the loss of a single American soldier. They transposed this into their own future from their own past. Few will remember today in this country the psychologically devastating impact on the Arab world attained by the Napoleonic conquest of Egypt at the end of the Eighteenth century. It was attained with revolutionary modern weapons technology of the period, with the loss of one French soldier. It was a point in time when the most advanced Muslim theologians concluded that ways must be found to combine western technology with an Islam that rejected materialism. The burden of that legacy and testament provided the gravity which brought the terror jets down.

The Second

Question

To carry the Pearl Harbor analogy to its logical conclusion, it has been discovered decades after the defeat of Imperial Japan that President Roosevelt and his Naval Intelligence high-ranking officers knew of the impending Japanese attack on the Pearl Harbor Fleet but did nothing to stop it in order to jump-start a reluctant American People into WWII.. It is painfully difficult to believe this but it happens to be true. An entire fleet was sacrificed to that purpose by a Democratic and popular President. It is virtually inconceivable that a multi-mega billion dollar Intelligence Community in the U.S. has had not a clue of the impending attack on a target that has been so prominently singled out once before, from the ground up. One of the four pilots was "known" and shadowed. Four hijacked large jets and no one knew anything until it was over? It is possible, perhaps even probable that, at some level of intelligence, someone got wind of a planned and limited air attack but let it simply "pass" either by design or by having been exposed to too many false alarms. It should be recalled that, twice during this Summer, the American public was

generally alerted, in the wake of high terrorism-related electronic

activity, both in respect to travel abroad and possible terrorist acts at home. The Director of the Central Intelligence Agency even briefed the Congress extensively in respect to terrorism as the most immediate and major threat to the United States.

In addition, the economy was slowing down, Hi-Tech stocks as well as DOW were badly mauled while spiraling downward, jobs were being lost by the thousands and the budget surplus just about disappeared.

The Hawks in-charge of U.S. defense want wide support for unimpeded actions abroad from an American People overwhelmingly opposed to wars. Star wars and nuclear shield preparations are going forward whether the people approve or not. There has been around a distinct need to "galvanize" the American People again into action and the Congress into another Gulf of Tonkin Resolution. An "attack on America" could therefore not have come at a better moment for the Hawks. This is coupled with the laughable demand by the U.S. to NATO

to implement Article 5 of its Charter and come to the aid of the Echelon, NSA, DIA, CIA, USAF, FBI offices abroad, Special Forces ready to strike anywhere, Cruise Missiles and Tomahawks, Apache Helicopters and B-52s.

Economic pundits are predicting a further slump after the "attack on America." But, as experience has shown, WAR, full war tends to produce full employment and "consumer confidence" goes on the rise with "victories." It is not hard to imagine that hi-tech stocks will have even a remarkable upswing with people buying newest computers and cell phones, with the Pentagon placing orders for ever more advanced weapons systems. Silicon Valley could just as well be humming again as it comes out of electric blackouts to save energy while we, all of us, unite behind a President with mounting popularity and back him up to "end the States that harbor terrorists."

We also must, or so we are told, start getting used to the violation of "some" of our civil liberties. The Secretary of Defense threatens everyone in the Pentagon and Intelligence Community with even criminal action if they sneak out any information about where the "hits" are going to be made. Individual "super-patriots" and "avengers" are already making life very unpleasant for the Arab-Americans and other Americans of Muslim Faith. If this "spirit" of "mobilization" continues it will not be long for the blacklisting of home intellectuals who disagree with the Hawks, of even "ordinary" Americans who can think for themselves? The same men and women who so savagely manipulated the American People during the "air war" over Yugoslavia are more than capable of solidifying a modern version of Fascist totalitarianism at home in the name of "Patriotism," "National Security" and "National Interest." When that happens, the 20 dead terrorists will have achieved at least one goal.

The Anger and Frustration
through Autobiography

I am still angry but not only at the terrorists. I am angry at the inability of our men and women with real powers to match the greatness of America. Where America was founded on anti-Imperialism they have twisted it into a new Imperial Power with global ambitions and new methods of domination which is, at the same time, economic, political and cultural. It has been called "Globalization" but this term only describes the obvious scope. The real driving force behind it is the Newest Ideology, "the 'ism' of 'Globalism.'" Its aim is the New World Order in which only the most powerful states will retain their sovereignty. It is thus clear that, in "ending the states which harbor terrorists" this New Ideology would be backed by the force of arms just as it has been already at work against the Serbs,

one of the few minor "holdouts." It was then that NATO became an aggressive arm of the Pentagon, the expander of Globalism and police force of the New World Order. I am angry at the new Political and Punishing Culture that has emerged during the Clinton years, bordering on Fascism, new-style, with 33 out of the total 47 armed interventions since WWII, with Clinton looking more like an American Peron and Hillary as "our" "people's Evita."

I am angry at the wanton, unnecessary and capricious destruction of Serbia, at the constant and continuous humiliation of the Serbs, after settling them up for total deformation and defamation for years through disinformation, straight-faced lies, staged massacres and the attribution to an entire and honorable people the collective guilt for the egregious crimes of the few. All that to "galvanize" the American People to support the naked aggression and war crimes of the U.S.-led NATO. I am angry at lingering Racism against the Serbs at the Hague "Tribunal" set-up by Madeleine Albright. I am in a state of disbelief that Washington never came up with a single prominent Solon to get up on his feet and castigate the ethnic cleansing of the Serbs from Western Slavonia (August 1991-February 1992), from Krajina (August 1995), from Kosovo in 1999. I am astounded by the silence erected in Washington over the well-documented legacy of ordinary crime by the U.S.-trained Bastard Army for the "Liberation of Kosovo." I am saddened to hear the cynical laughter when one complains that Kosovo is the birthplace of the Serb religion and culture, when one finds it hypocritical to take an area away from one ethnicity's patrimony to give it to the most unsavory elements of another.

I am angry at that Moral Joe Lieberman who could say with a straight face the never-repudiated claim that the KLA "is fighting for our values" despite overwhelming evidence to the contrary. I am angry that he, too, as the most moral of our Senators, has received a handful of ducats from the American-Albanian Diaspora. I can no longer muster any respect for him. I do consider Madeleine Albright to be a war criminal. Even Time Magazine put her on its frontispiece for "Madeleine's War" and there is abundant evidence that she was the main driving force and architect for the 78 days of destruction of a people and their well being even after they had twice sheltered warmly her family in flight. To say nothing about the 500,000 children of Iraq whose deaths she publicly deemed worthwhile because

"we care more about his people than Saddam." I consider General Wesley Clark another major war criminal as he calibrated the destruction of Serbia to break the will of the Serb people while complaining that civilian authorities in NATO tied his hands to punish the Serbs even more and harder. It was not enough for him to poison with all kinds of long-lasting and gene-mutating toxins the soil, the air and the water of both Serbia and Kosovo. I am just slightly less sure about the complicity of Anthony Lake and Sanford Berger and, ultimately, of the ex-President Clinton. The collective and diabolical arrogance of the named individual members of the power elite is entirely UN-AMERICAN. It has nothing to do with any discernible value of the American People but it does bring out the background of Tuesday's tragedies in New York City, at the Pentagon and in an empty field of rural Pennsylvania.

Yet, my innermost frustration comes from a paper trail of efforts to prevent terrorism by suggesting, by begging, by pleading for changes in the Punishing Political Culture, in arrogance, in pettiness, in venality, in lack of magnanimity in the aftermath of punishment, in financial blackmail and in deliberate humiliation through what can only be described as a cerebral terror, laced with Racism. For the

record, herewith are some of the extracts over the years, from first to last, kept at a bare minimum as the full texts could easily fill a large volume.

The Paper Trail

In December 1996, in the French Journal Dialogue (V/20, pp. 16-32) I pointed out that every imperial punishment of the Serbs in this Century ended in a disaster. This was true of Austria-Hungary in 1914.

It was true of Nazi Germany in 1941. It was true of the end of Soviet domination of Communist regimes and parties in 1948. This when

the Serbs in control of the Yugoslav intelligence apparatus blocked an

attempted Soviet take-over and Stalin promptly expelled Yugoslavia from the Cominform, resulting in polycentric and nationalist-dominated

sequences. I wrote, "Can the U.S. really defeat the pattern and avoid some disaster as result of its entrance into the ex-Yugoslav tragedy?

If it "wins" in Bosnia, the Clinton Administration will conclude that the new Political Culture gives international confirmation that might always makes right so that the world will be "re-invented" to

America's liking. What was done in Bosnia and the rest of the old

Yugoslavia can be done elsewhere, as the U.S. reserves the right to select its targets for "necessary improvements." This will gain even

more strength in the second term because of one feature that absolutely defines the American Liberals. They sincerely believe

that

they possess a monopoly on both rationalism and reasoning higher than

anyone else's and this underpins the philosophical base of the

dominant Political Culture. It cannot be stressed often enough that

the "Bosnian dimension" will serve to add impetus to U.S. meddling in

ethno-religious conflicts to impose "civilized behavior" (the old French idea of Mission Civilisatrice) worked out in the U.S. policy

rooms and think-tanks and coupled with a forceful posturing and

glaring obsession with "leadership." In turn, this will make it

certain that America and Americans become the favorite targets of

terrorist lunatics, obsessive haters and nationalist avengers from

every corner of the planet earth as the pulsating Political Culture

simply eggs them on." The article concluded that "one can only hope

that in punishing the Serbs, yesterday, today and tomorrow at Kosovo,

America's reigning Political Culture can be induced to recall that

the

unsinkable Titanic fell prey to a block of ice." This was, in 1996,

an

isolated voice in a petrified forest. If anyone with authority

and influence got to it, the message was dead on arrival. It seemed

as

if Cassandra in the shape of a "Serb apologist" was out to spoil

all

the fun of "Virtuous Wars," the "Civilizing Mission" and for

"Humanitarians" full of hate for "the Serbs." The American in the

message became simply invisible.

The next extract is partly summarized. It comes from the same Journal in 1999 (VIII/29-30, pp.86-100). It is a reproduction of this writers petition of two years earlier to the Congressional Review Committees not to approve the nomination of Madeleine Albright as the incoming Secretary of State. Her penchant for arrogance (already clear

while she served in the United Nations) was underscored and

illustrated with some precise references. There was a quote also

relating this assessment by an African Delegate "that Ambassador

Albright is the only person who can unite all 180 countries AGAINST

the United States."

The petition was also an expose of her propensity to hide the truth and to practice the most selective kind of self-professed "humanitarian concerns." Her cold-blooded cruelty came out of the green light she gave for the Croat blitzkrieg of August 1995 in Krajina which resulted in the most spectacular ethnic cleansing of the Yugoslav fratricidal tragedy. . Some 250,000 Serb civilians fled in panic as their homes were looted and torched and while the elderly who remained behind were simply slaughtered. Four of the U.S./NATO jets took part in this gruesome undertaking which "disappeared" from the corporate-media TV at home within a couple of days All this was in sharp contrast to almost massive reports of considerably lesser crimes attributed to the Serbs, some of which are true enough but others are not. I wrote that "it is impossible to avoid the conclusion that Madeleine Albright has used the prestige and the power of the American People and the United States Government to carry out a personal vendetta against a particular South European ethnicity which has also contributed about a million Americans of Serb origin."

Her nomination was approved anyway, without delay and by unanimous vote.

I then concluded that "if the U.S. foreign policy is to register future successes its makers will need to shift from an aggressive model to what could be called a preventive one. This implies a great deal more than just sending diplomats to mediate in various regional conflicts, to threaten with sanctions and military interventions. It would require a re-orientation in both thinking and behavior. If Islamic "Fundamentalism" is perceived as one of the principal threats to the U.S. and the "West" as a whole, the best weapons against it are the 101 Suras of the Koran, Muhammad's Oral Traditions and the Maliki Law. "Jihad" is but a twisted perversion of the noun and the verb which demand application in the Lord's path without any reference to use the sword in this moral endeavor." While Islam is also a political Religion it does not advocate, sanction or approve terrorism. Therein lies a part of the solution which will be proposed at the end of this bill of particulars. .

To conclude a drastically shortened trail I turn to the paper on "Dangerous Gap-Legacy of the Clinton Era." It was written just four months earlier. In it, I noted the outrage which greeted the ejection of the U.S. from the U.N. Commission on Human Rights. "Hardly anyone argues seriously that this was a symbolic and actually well-intended message to the American People that something had gone wrong with those who govern them, that something had, in fact, tarnished the United States and that the gap between self-perception in Washington and the way the U.S. is widely perceived today has grown too wide. It did not just happen to 'come with the territory.'" It is actually an attempt to ring alarm bells and virtually impose the understanding of an acute and very real gap between the outer-world realities and the self-perception in Washington, New York and Los Angeles This is a problem that the ruling American elites refuse to acknowledge." It is an apt sentence with which to end the paper trail.

For just a flickering moment in time, George W. Bush, then the Republican Candidate for President, began to talk about the need for "humility" and for "paying attention" to our allies. Because of this, inter alia, I voted for him. Not very long in Office, President Bush succumbed to the four or five Hawks around him and did just the opposite. He was not arrogant. He was even charming in his assertions of the primacy of the National Interest. But, much of the rest of the world had no trouble in finding that his positions on a number of great issues spelled out the will to go it in alone, damn the friends and enemies alike. No one tells US what to do. To paraphrase one of the Hawks, "in this Administration" "we" do not care what others think of us and make no attempts to ingratiate ourselves to anyone.

Some concrete steps

It is always easier to be critical than to propose how to solve real and recurring problems. Without further ado, herewith are a few suggestions. First, terrorism and Islam must be separated in such a way that the current and prospective terrorists who are Muslims cannot

claim the support of this Great Religion. This can be achieved by convening a vast conference of the leading Islamic theologians from all of the countries in which Islam is either the state religion or the faith of substantial parts of populations. It will be up to these Best Men of Islam to do the separating, to isolate terrorism for

what it is, to threaten excommunication from Islam to terrorist perpetrators who seek to envelop their gruesome inhumanities to men, women and children in Islam..

Following the end and final Resolutions of this Conference, the Arab League and the legitimate Muslim governments should put the terrorists thus isolated from Islam on notice that they no longer belong to that Faith and will be dealt with as common criminals.

This country needs to respond to what was done to its citizens and property last Tuesday. Bombing the suspected shelters in Afghanistan, perhaps even parachuting special teams to capture or kill Bin Laden who has admitted to the earlier anti-American terrorism deserves the

support of all of us. But, after this there should be a pause of unspecified duration. We must first of all not allow any real harm to come to the Arab-Americans and other citizens and legal residents who are of Muslim faith. Instead of deliberately fanning the

fires of latent and revanchist American Nationalism -which we have roundly condemned everywhere else- we might be able to take some different steps that would show a degree of magnanimity. A good start would be to propose the World Bank to forgive the \$22-billion all-Yugoslav debt on which Serbia alone is paying huge interest. We took out its economy via decade of sanctions and eleven weeks of bombings without even a declaration of war. It should not be a big deal for a nation that has reconstructed its former major enemies, Germany and Japan, to give some relief to a people that never did us any harm and sided with us in Two World Wars. The President might also

instruct the armed forces in the ex-Yugoslav space to no longer regard

or treat the Serbs as an enemy. Without reducing our support for the survival of Israel we should not become its co-belligerent vis-à-vis the Palestinians and disallow a priori any criticism of its leaders out of fear of being charged with "anti-Semitism." To this writer, anyone who succumbs to the lumping of all the Jews together is a racist candidate. General Sharon is not General Rabin. American Jews are not Israelis. Most hold Israel in affection but they are Americans first, just like Serb-Americans or any other hyphenated Americans. At home, we might forgo the missile shield in favor of eliminating pockets of poverty and marginal existence. We might revamp convalescent homes so that the elderly who find themselves in one will pass away in dignity with kindness of others and the care each deserves. We might increase the study of Humanities, English and foreign languages at each educational level.. All of that could easily be covered by foregoing the shields of war and expanding the minds. We must be Athens not Sparta. We must curb our own IJawks.

Kosovo: De Waarheid

Door Timothy Bankcroft-Hinchey (*)

Kosovo, het symbool van Albanees extremisme in de Balkan, verbergt een afschuwelijk verhaal, dat de NAVO-leiding vreest en wanhopig probeert te verhullen. 'Pravda.Ru' openbaart de volledige, naakte waarheid over deze schaamteloze geschiedenis van terrorisme, criminele samenwerking en bescherming, bedoeld om de banen en de machtsbasis veilig te stellen van diegenen die deze achterhaalde, overbodige en verouderde militaire organisatie beheersen.

Albanese criminelen, die lid waren van het UCK (Kosovo Bevrijdings Leger) dat later werd omgevormd tot Kosovo Beschermings Korps (KPC-Kosovo Protection Corps), bleven ongestraft. Dit als gevolg van geknoei met bewijsmateriaal door krachten binnen de NAVO, of doordat op hoog niveau aan politieke touwtjes werd getrokken, om de vrijlating te verzekeren van degenen die gearresteerd waren.

De bomaanslag op een bus met Servische burgers op 16 februari was een duidelijk voorbeeld van het soort incidenten dat zich wekelijks, zoniet dagelijks, voordoet in Kosovo en vrijwel onopgemerkt blijft voor de internationale gemeenschap. Een aantal bussen met Servische burgers was op weg naar een religieus festival in Kosovo, onder escorte van een pantservoertuig van de NAVO. Een groep van drie Albanese terroristen lag klaar voor de aanslag en toen de eerste bus van het

konvooi hen passeerde, verbonden zij de twee draadjes aan elkaar waarmee de bus en alle inzittenden 45 meter omhoog werden geblazen. Het resultaat was elf doden, waaronder een tweejarig jongetje, en 18 gewonden. Ook al werden er vier personen gearresteerd, er was met betrekking tot deze aanslag, heel typerend, geen sprake van samenwerking van de NAVO met de internationale politiemacht in Kosovo. Kopieën van gesprekken via telefooncellen, opgenomen in Monaco, zijn nog niet aangekomen, evenmin de uitslagen van DNA-testen, uitgevoerd in Duitsland.

De internationale onderzoeks-eenheid, oorspronkelijk bestaand uit 18 fulltime onderzoekers, is teruggebracht tot twee parttimers. Eén van de leiders van de groep, Florim Ejupi, heeft kunnen ontsnappen uit een gevangenis die onder controle stond van VS-strijdkrachten in Kosovo, Camp Bondsteel. Tijdens zijn ontsnappingsactie was hij tien minuten bezig met het doorknippen van draden van de hekken. Ejupi werd twee keer eerder gearresteerd, gedurende de periode dat hij in Duitsland woonde. Twee van de vier gearresteerde mannen werkten op het hoofdkwartier van het KPC in Pristina. Binnen enkele uren na de bomaanslag hadden NAVO-krachten beton gestort in de krater die geslagen was en belangrijk bewijsmateriaal verborgen en vernietigd.

Zulke incidenten zijn normaal in Kosovo, net zoals in andere delen van de Balkan. Politie-officiërs hebben geklaagd dat zij bij de plek waar incidenten

hebben plaatsgevonden, worden weggeduwd door NAVO-strijdkrachten, waarvan de inlichtingenofficiërs als eerste de getuigen ondervragen en vervolgens de resultaten daarvan geheimhouden.

De Zweedse Christer Karphamer, een voormalig VN-rechter, heeft verklaard dat hij bekend is met een aantal gevallen waarbij vertegenwoordigers van de NAVO de vervolging van voormalig UCK-leden tegenhiel den of zich ertegen verzetten. "Dat betekent dat sommige van de voormalig UCK-leden onschendbaarheid genoten. De onderzoeken tegen hen werden op hoog niveau tegengehouden, de rechterlijke macht werd het onmogelijk gemaakt om onafhankelijk hun werk te doen."

Een ander voorbeeld waarbij er sprake was van schaamteloze inmenging in de rechtsgang was de zaak van Sami Lushtaku, een regionale commandant van het KPC, die een man de schedel insloeg met een pistool. Juist op het moment dat hij gearresteerd zou worden, kwam er een boodschap van hooggeplaatste functionarissen van de NAVO en de VN, waardoor de arrestatie werd tegengehouden. Een VS-diplomaat, Jock Covey, hield de arrestatie van Lushtakutegen bij twee andere gelegenheden.

Dit zijn slechts een paar van de vele voorbeelden van misdaden, die ook prostitutie, smokkel van wapens, alcohol en sigaretten, moord, geweldpleging, mishandeling, afpersing en verkrachting omvatten. Misdaden die gepleegd werden onder het oog van de NAVO-strijdkrachten, terwijl de 60.000 tot 100.000 Serviërs, die in de provincie woonden, etnisch gezuiverd werden.

Dergelijke voorvallen beperken zich niet tot Kosovo. Onlangs heeft een groep Albanezen in Macedonië een aantal Macedonische wegarbeiders gekidnaped en hen zo gruwelijk geslagen en gemarteld dat de verschrikkelijke details niet zouden misstaan in een artikel in een medisch tijdschrift over criminele geestelijk gestoorden.

In een geheim NAVO-rapport, vorig jaar vrijgegeven, wordt beweerd dat "vele KPC-leden, in sommige gevallen hooggeplaatste KPC-functionarissen, banden hebben met criminele organisaties." Zij zullen doden om hun machtsposities te behouden en dat is een van de redenen waarom de NAVO er niet graag bij betrokken wil worden, omdat zij vreest dat de Albanezen zich tegen de NAVO-troepen zullen keren die in de Balkan gestationeerd zijn.

Maar dat is niet de enige reden waarom de NAVO de Albanezen laat moorden, terwijl zij een oogje dichtknijpen. De VS is de belangrijkste sponsor van het KPC. Het ministerie van Buitenlandse Zaken en het Pentagon hebben in de afgelopen twee jaar 13 miljoen dollar gedoneerd aan het Korps en de CIA en de Britse SAS-krachten hebben de UCK getraind en bewaard.

De Britse Squadron-leider, Roy Brown, beweerde dat de onderzoeken naar criminele activiteiten werden gehinderd door "belemmeringen opgelegd door de nationale veiligheidsbelangen van de 39 landen die deelnemen aan de KFOR."

Om met de woorden van James Bissett, voormalig Canadees ambassadeur in Joegoslavië, te spreken: de NAVO-campagne in Kosovo had een tweeledig doel.

Allereerst het ten val brengen van Milosevic, maar "nog belangrijker, het verschaffen van een reden voor het voortbestaan van de verouderde en in toenemende mate overbodige militaire organisatie." Dit verklaart de bewapening en training van Albanezen, het veroorzaken van chaos in de regio en het creëren van het perspectief van een Groot-Albanië, dat in de Tweede Wereldoorlog door de Nazi's werd gebruikt om de regio te destabiliseren, toen de Axis-troepen geëerden.

Dit verklaart ook waarom de NAVO de VN-Resolutie 1244, met betrekking tot de ontwapening van de Albanezen, zo schaamteloos naast zich neer heeft gelegd. Dit zou ook verklaren waarom er nooit tot actie is overgegaan in verband met de bezegelde aanklacht tegen de Albanese oorlogsmisdadiger Agim Ceku, ook al is de aanklacht in bezit van Carla del Ponte van het Internationaal Gerechtshof in Den Haag. Ceku geeft leiding aan gebeurtenissen in Zuid-Kosovo, van waaruit hij operaties over de grens van Macedonië aanvoert. Hij wordt niet aangeklaagd omdat dit zijn NAVO-leidsmannen in verlegenheid zou brengen.

Dit zou ook verklaren waarom de NAVO onlangs ingegrepen heeft in Macedonië, om de vrijlating te verzekeren van UCK-extremisten, ingesloten door het Macedonische leger, omdat 17 van hen adviseurs van de VS waren.

De samenwerking van de NAVO met de Albanezen geeft aan dat het een criminele organisatie is, die zich inlaat met criminelen en elke dag meer en meer op de maffia gaat lijken.

(*) Pravda.Ru, 14 augustus 2001, vertaling J. Bernaven.

Bosnische Serviërs willen Izetbegovic voor Tribunaal

BANJA LUKA - De Bosnisch-Servische autoriteiten hebben bewijzen op zak van de betrokkenheid van de vroegere Bosnische moslimleider Alija Izetbegovic bij oorlogsmisdaden.

Ze willen deze bij het VN-tribunaal in Den Haag deponeren, zo maakte openbaar aanklager Vojin

Dimitrijevic gisteren bekend. Volgens Dimitrijevic zijn onder verantwoordelijkheid van Izetbegovic legereenheden opgericht die zich schuldig hebben gemaakt aan volkenmoord, foltering, dwangarbeid en vernieling van Servisch-orthodoxe religieuze objecten. De eenheden, waarvan sommige honderden soldaten uit

islamitische landen telden, zouden tegen de 400 concentratiekampen hebben gerund. Er is een lijst opgesteld met 800 burger-slachtoffers, zei Dimitrijevic.

Volgens Bosnisch-Servische premier Mladen Ivanic is een aanklacht gerechtvaardigd. "Hij is gericht tegen een man die een belangrijke functie vervulde, die

van oorlogsmisdaden afwist en die niets heeft ondernomen om ze te stoppen", aldus Ivanic.

De Democratische Actiepartij van Izetbegovic veroordeelde de beschuldigingen als een "wanhopige poging (...) om het hele verzoeningsproces te bemoeilijken en de openbare aandacht af te leiden van de echt misdadige

groepen en personen die de Republika Srpska in het openbaar en in het geheim leiden".

Een woordvoerder van internationaal bestuurder Wolfgang Petritsch, Patrick Volf, zei dat de Bosnisch-Servische autoriteiten er beter aan doen om verdachten op te pakken die al 'op de lijst van het Haagse tribunaal staan'.

van holst en steijnen

From: Despotovic, Ruza <despot@wish.net>
To: Henny Loodewijk <w.postma@hccnet.nl>; Hans Hupkes <HANS.Hupkes@Planet.NL>; Nico & Neeltje Steijnen <n.h.van.holst@freeler.nl>; Globalreflexion <office@globalreflexion.org>; Ksenija Sigulinski <sigu@worldonline.nl>; Richard van Houten <richardenbeba@wxs.nl>
Sent: donderdag 18 oktober 2001 16:48
Subject: Fw: [Wereldcrisis] VS-wet staat toe Den Haag te bombarderen

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

From: www.DeWaarheid.nu <de.waarheid@tiscali.nl>
To: <Undisclosed-Recipient:;@pandora.tiscali.nl>
Sent: Tuesday, October 16, 2001 12:39 PM
Subject: Fw: [Wereldcrisis] VS-wet staat toe Den Haag te bombarderen

> -----
 > Doorgestuurd: www.DeWaarheid.nu
 > -----
 > Amerika wil 's werelds rechter, jury en beul tegelijk zijn !!!
 >
 > hallo allen,
 >
 > het VS huis van afgevaardigden heeft een wet aangenomen die haar
 > burgers/dienstdoende militairen moet beschermen tegen beschuldigingen
 > van
 > mensenrechten-schendingen. mocht het internationaal strafhof (zoals in
 > de
 > maak in den haag) toch proberen VS-burgers voor het gerecht te slepen,
 > sluit
 > de wet tegenmaatregelen (inclusief "militaire kracht") niet uit!
 >
 > succes, den haag!
 >
 > frank
 > [mailinglist wereldcrisis]
 >
 > uit: SchNEWS 326 - 12/10/2001: <http://www.schnews.org.uk/>
 >
 > COURTIN' TROUBLE
 >
 > "This legislation is, in effect, a protection of war criminals" -
 > William Pace,
 > Convenor of the Coalition for the International Criminal Court.
 >
 > While America tells the world to get behind its 'global war against
 > terrorism'
 > and support the bombing of Afghanistan, a law is being rushed through
 > that
 > will scupper attempts to set up an international criminal court - a
 > court which
 > would be the very body to bring to justice those responsible for the
 > attacks
 > on September 11th. The proposed law has the backing of Bush and has
 > already been passed in the House of Representatives.
 >
 > The Coalition for the International Criminal Court was formed in 1995
 > and is a
 > network of over a thousand non-governmental organizations and
 > international
 > law experts from every corner of the world. It's pushing for the
 > creation of a
 > permanent and independent International Criminal Court (ICC) that "will
 > investigate and bring to justice individuals who commit war crimes,
 > crimes
 > against humanity and genocide." 42 countries, including the UK, have
 > signed
 > the treaty which ICC Convenor William Pace, reckons "will be a powerful
 > international legal tool in the fight against global terrorism." The US

19-10-01

- however
 doesn't want anything to do with it, complaining that "its power could
 be
 > easily misused to make capricious arrests of American officials or
 > military
 > personnel abroad." Because as everybody knows, the rest of the world
 > commits war crimes but not the good ol' USA.
 >
 > So using the current climate of patriotic hysteria Republican lunatic
 > Senator
 > Jesse Helms is pushing a bill of extreme anti-ICC legislation - The
 > American
 > Servicemembers' Protection Act. The Act aims to stop the convention
 > getting
 > the magic number of 60 countries signing up to it - which is how many
 > signatures are needed to make the ICC international law.
 >
 > Amongst the highlights the Act threatens to cut off military aid to
 > countries
 > that ratify the ICC treaty - apart from NATO, Israel and Egypt - hoping
 > this
 > economic blackmail will stop weaker countries signing up. These are
 > often
 > the countries which are backed by the US, have bad human rights records,
 > and in some cases are the places where war crimes are being committed.
 > The Act would mean that the US military would not take on any UN
 > peacekeeping roles unless they were made exempt from ICC prosecution. It
 > would prohibit US co-operation with ICC inspectors even in a case of
 > international terrorism and give the American President "all means
 > necessary and appropriate to bring about the release from captivity of
 > US or
 > allied personnel detained or imprisoned against their will by or on
 > behalf of
 > the Court, including military force." This in theory could lead to the
 > invasion
 > and bombing of Holland, since the ICC will be based in The Hague! As
 > Richard Dicker of Human Rights Watch points out "the State Department
 > has just endorsed a bill that authorizes an invasion of the
 > Netherlands." No
 > wonder critics are calling it the Invade the Hague Act.
 >
 > All this hasn't gone too well with America's allies. A European delegate
 > at
 > the United Nations said that legislation "imposing military and legal
 > reprisals
 > is unprecedented and unacceptable." While Richard Dicker added: "This
 > makes no sense. It hardly seems like a good moment for the U.S. to be
 > threatening sanctions against dozens of countries simply because they
 > want
 > to bring to justice the perpetrators of crimes against humanity."
 >
 > Forget the talk about a war on terrorism, America wants to be the worlds
 > judge, jury and executioner. As comedian and activist Mark Thomas points
 > out "In a sickening display of hypocrisy America is acting in its own
 > narrow
 > interests with typical double standards. Supporting terrorism is bad
 > except
 > when we do it, the rule of law is good except when it might be used
 > against
 > us, war crimes must be punished except if we commit them. Standing
 > shoulder to shoulder? No chance! America's natural position is standing
 > behind another country pointing a gun at its head."
 >
 > * More info on the court: www.iccnw.org
 >
 >

International Committee to Defend Slobodan Milosevic
FREE SLOBODAN MILOSEVIC!!!
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 Socialist Party of Serbia • Emperor's Clothes • Belgrade Forum

INTERNATIONAL TERROR

War Crimes Tribunal: Something ala George Orwell's 'Animal Farm'

By Carla Berg [7 May 2001]

Ms. Berg is a Graduate Student in Political Science and International Law

I am signing the "Free Milosevic!" petition because of the violations of international law by which the International Criminal Tribunal for the former Yugoslavia (the ICTY or 'War Crimes Tribunal') was established.

The U.N. Charter provides the Security Council (SC) with authority to take measures in the event of acts of aggression, threats to the peace or breaches of the peace. A primary problem is that given the SC's structure, its members enjoy de facto immunity. With that in mind, Article 41 provides the SC with authority to negotiate, use arbitration, diplomatic methods, and similar such measures to address the aforementioned acts.

However, the SC does not have a legal basis to establish judicial bodies.

According to international law, the practical method of establishing any international judicial body must begin with a treaty. Once such a treaty has been ratified, the judicial body can be created by the U.N. General Assembly - not by the Security Council. The reasons for this are two cornerstones principles of international law: state sovereignty and state equality.

The ICTY has determined, in the case of Prosecutor v. Blaskic, that it, as an organ of the SC, is superior to states. This contradicts the language of its statute, which requires states to "co-operate." By taking the position that it, and incidentally its prosecutor, as an "organ" of the ICTY, is superior to any state, the ICTY is behaving in a manner consistent with the "rule of law" as defined by the Ottoman Sultan.

It is worth mentioning that Selim III declared a "new world order" in 1793, in an effort to subdue rebellious Suzerain States. The Suzerain states had their governments, but ultimately, authority was placed in the Sultan. Bad behavior got punishment, compliance got rewards. Sound familiar?

Another significant point is the fact that, normally, parties to a legal dispute have equal status before a neutral court. The structure of the ICTY defies this principle, since it places the Prosecutor above the accused by virtue of the Prosecutor's status as an organ of the court. Then there is the question of an absence of separation of powers, since the ICTY and Prosecutor have legislative abilities under the statute.

Another factor lies in the fact that unlike under the treaty establishing the International Court of Justice (ICJ) or the International Criminal Court (ICC) treaty, the ICTY has been left to establish its own rules of court. As noted in Prosecutor v. Tadic, they make up the rules as they go along.

The ICTY, in its rules, also has denied the accused basic rights as provided under the declaration of human rights and the Covenant on Civil and political rights. Example: the presumption of innocence. The Milosevic indictment demonstrates that in fact the Tribunal indicts first, therefore presuming guilt, and investigates later. See Diana Johnstone's 'Humanitarian War: Making the Crime fit the punishment' for further elaboration on this point.

(1)

In short I will not sit back and watch as the law is turned into something ala Orwell's 'Animal Farm' in which the truth is 'propaganda' and racism is acceptable. 'Two legs bad, four legs good' is not all that different from saying 'Serbs bad, NATO good.'

If one examines, even casually, the ICTY committee's final report to the Prosecutor concerning NATO's 78 day act of aggression, and if at the same time we at least bother to look at the U.N. Charter, the customs of war, and other applicable laws, we find something that if it were not so tragic, it truly would be hilarious.

1. Grdilica Bridge-Train Bombing.

No need to investigate. After all the NATO pilot really was trying to bomb the bridge. But after hitting the civilian passenger train, all that nasty smoke got in the way, so they couldn't see what they were doing and bombed it again.

2. Djakovica.

No need to investigate. NATO has consistently maintained that it did not hit the Djakovica civilian convoy with intent to attack civilians. NATO's consistency involved three versions of this incident. 1. The Serbs did it. 2. We did it, but we thought from at 15,000 feet in the air, those tractors were military vehicles. 3. We did it, but Military was mixed in with those civilians. No need to investigate because it is real hard to see what you are attacking from 15,000 feet in the air.

3. RTS (Serbian TV station)

It is a military target because it served 'dual purpose,' says the ICTY. Besides NATO believed it was exclusively used to incite hatred and propaganda.

But when NATO leaders compared Milosevic with Hitler, that wasn't inciting hatred, it was a compliment, right? Conditioning people around the world to look upon Serbs as vicious animals is not inciting hatred, right?

By the ICTY's reasoning, any media outlet, during a war, will be justifiably attacked, in direct contradiction to the Geneva Conventions of 1949, because the media outlet is failing to convey the message that NATO is giving us some educational bombing.

The 'dual purpose' argument flies in the face of the fact that the U.S. Department of Defense's review of the bombing campaign solely and exclusively identifies propaganda as the justification for selecting it as a target. According to Amnesty International, NATO officials told them the same thing. In short NATO lied to its own Kangaroo court!

The question is who is going to be the next target state, and which leader is going to be introduced to justice, NATO style? Which national group is going to be the next to be subjected to an ongoing incitement of hatred by way of NATO, who after all is only bombing people back to the stone age for humanitarian reasons.

- Carla Berg, Austria

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 Milosevich (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 international law and 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

Tris Stydy.

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DOCUMENT

II



The URL for this article is <http://www.iedsm.org/more/horse.htm>

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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. You may skip right to this list. Or first consider the following direct evidence. It is straight from the horse's mouth.

"She will because we will allow her to. "

Did you think the Tribunal was free to indict anyone without respect to rank or nationality?

Exhibit A: Press Conference held by 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."

[Transcript of May 17, 1999 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 are indulging in hyperbole when they say Madeline Albright is "Mother of the Tribunal"?

EXHIBIT B: Excerpts from speech by Gabrielle Kirk McDonald, President of the 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

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-peti.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. CIELLI 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 'Viscerating Democracy' at <http://emperors-clothes.com/articles/szamuely/ncda2.htm>

Washington Finances It

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 *'allow 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. Alekša Krsmanović' 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.

www.icdsm.org

Debat over rechtmatigheid Joegoslavië-tribunaal

'Het tribunaal houdt mythes in stand'

'I consider this tribunal a false tribunal', betoogde oud-president Slobodan Milošević van Joegoslavië tijdens zijn eerste voorpleiding voor het Joegoslavië-tribunaal. Tijdens een debat op 29 augustus stelde advocaat Wladimiroff, sinds 6 september een amicus curiae van het hof voor Milošević (zie kader), dat de discussie over de rechtmatigheid van het tribunaal volstrekt achterhaald is. Desalniettemin wordt de onafhankelijkheid van dit forum bestreden.

Miek Smilde
freelance journalist

Mischa Wladimiroff was een van de sprekers tijdens een debat dat de stichting DEBATterij uit Den Haag woensdag 29 augustus organiseerde, één dag voor de tweede voorpleiding van Milošević. Centraal in het debat stond de vraag of het verweer van Milošević dat het Joegoslavië-tribunaal een zuiver politieke aangelegenheid is, enig hout snijdt. 'Nee', luidde het antwoord van Wladimiroff, die zes jaar geleden enige tijd optrad als advocaat van de eerste verdachte die voor het tribunaal werd geleid, Dusko Tadić. In die zaak kwam de rechtmatigheid van het tribunaal uitgebreid aan de orde, met name de vraag of de Veiligheidsraad van de Verenigde Naties wel bevoegd was het tribunaal op te richten. 'De Algemene Vergadering is destijds gepasseerd', legde de strafrechtadvocaat tijdens het debat nog eens uit. 'Daar kun je wel het nodige op afdingen, maar feit is dat de Algemene Vergadering verder niet heeft geprotesteerd. De uitspraak van 2 oktober 1995 is glashelder. Het tribunaal is bevoegd opgericht en ook de rechters zijn volledig bevoegd.' Bovendien, zo zei Wladimiroff, heeft Milošević als staatshoofd van de Joegoslavische federatie in 1997 het akkoord van Dayton ondertekend waarin ook de eventuele oprichting van een internationaal tribunaal staat omschreven.

'De Algemene Vergadering is bij de oprichting van het tribunaal gepasseerd maar heeft niet geprotesteerd'



Foto: HH/Arte Kievit

Juridisch mag dat allemaal kloppen, het tribunaal is niet zo onafhankelijk als we gewend zijn, betoogde advocaat Leo van Heijningen, die jaren geleden optrad als de raadsman van oorlogsmisdadiger Pieter Menten. Volgens hem is Nederland verre van neutraal en slikt het alles wat de Verenigde Staten opleggen. De advocaat had graag gezien dat Nederland de komst van het tribunaal op zijn grondgebied had geweigerd. 'Of we hadden niet mee moeten doen aan de Navo-bombardementen op Servië, die, zoals iedereen weet, onrechtmatig waren.'

Bad guys

De toon die Van Heijningen zette, werd overgenomen door schrijver en journalist Karel Glastra van Loon. Hij dekte zich bij voorbaat in – 'ik ga niets juridisch zeggen, want dan ga ik toch maar op m'n bek – maar schroomde niet openlijk te twijfelen aan de objectiviteit van het Joegoslavië-tribunaal. Volgens Glastra van Loon heeft de oprichting van het tribunaal het positieve signaal afgegeven dat oorlogsmisdadigers niet straffeloos blijven. 'Alleen de manier van het optreden van het tribunaal bevestigt het beeld dat de westerse wereld *altijd* optreedt tegen schendingen van de mensenrechten, en dat is een mythe', aldus de journalist. Het tribunaal houdt volgens hem nog een mythe in stand, namelijk dat de

Serviërs de *bad guys* zijn in de Balkanoorlog. Als bewijs voor deze stelling voerde de journalist het aantal berechte en vervolgde Serviërs op, dat significant hoger ligt dan het aantal verdachte of schuldige moslims of Kroaten. Ten slotte voerde Glastra van Loon de financiers van het tribunaal – onder andere de Amerikaanse mediagigant Time Warner Inc. – op als bewijs dat het tribunaal danst aan de draden die de VS in handen houden. 'De aanklacht tegen het voormalige Joegoslavische staatshoofd is eerst bekendgemaakt aan de president van de Verenigde Staten en pas de dag erna mocht de rest van de wereld er kennis van nemen. Dat draagt niet bij aan mijn vertrouwen in de objectiviteit van het tribunaal.'



Hoofdaanklaagster Louise Arbour over de zaak tegen Milošević

Wladimiroff vriend van het Joegoslavië-hof



Milošević erkent het Joegoslavië-tribunaal niet en wil daarom ook geen advocaat. Om eenzijdige berechting te voorkomen dacht Mischa Wladimiroff aan de in het Angelsaksische recht bekende *amicus curiae*. Een dergelijke 'vriend van het hof' is een uitgenodigde of toegelaten deskundige die het hof kan adviseren over ingewikkelde onderdelen van een proces.

'Mij leek dat zo iemand ook in het geval van Milošević de verdediging op zich zou kunnen nemen, maar dan zonder dat Milošević de cliënt is. Onafhankelijk van de verdachte geven we het objectieve perspectief van de verdediging.'

Waarom zijn het er drie geworden?

De combinatie van iemand uit een Europese continentaal rechtstelsel en iemand uit het Angelsaksische recht discussieert het prettigst. Ik werk al veel samen met Steven Kay, uit Engeland, en het hof heeft toen nog Branislav Tapušković, deken van de balie van Servië toegevoegd.'

En als u het onderling niet eens bent?

'We zullen werken als waren we rechters; we zullen eventueel *dissenting opinions* uitbrengen.'

Waarom is het niet slechts een schaamlapje voor het Hof?

'Omdat het niet anders kon. Milošević wil geen bijstand, en dan kun je het daarbij laten, zoals we in Nederland zelfs bij verstek

veroordelen. Maar je kunt ook die zaken naar voren proberen te brengen die in zijn belang zijn.'

U werkt nu volkomen anders dan gewoonlijk, zonder instructie van een cliënt.

'Als je normaal toch al meer doet dan papegaaien wat de cliënt denkt, dan is de stap weer wat minder groot. Onzin heb ik nooit graag verkondigd.'

Gaat het u veel tijd kosten?

'Ik schat vijf jaar. Op korte termijn zullen we kijken naar nieuwe argumenten die de rechtmatigheid van het tribunaal zouden kunnen aantasten, zoals Milošević stelt. Daarna zullen we uitzoeken of het tribunaal bevoegd is, nu in Joegoslavië bij de uitlevering niet op de rechter is gewacht. En daarna gaan we in op de vragen of Milošević als ex-staatshoofd wellicht immuun is, en of art. 8 EVRM, meningsuiting, zich niet verzet tegen het verbod om vanuit de cel met de media te communiceren.'

Veel werk en rijk wordt u er niet van.

'De VN betaalt 110 dollar per uur, en als je met zijn drieën bent kun je het werk uitsmeren.'

Het is natuurlijk niet slecht voor de naamsbekendheid.

'Ik ben eraan begonnen omdat het een uniek, interessant juridisch avontuur is. En voor een advocaat is het ultieme uitdaging om te werken voor iemand die zo gedemoniseerd is. Maar ik zal het niet ontkennen, de zaak heeft een enorme attentiewaarde.' (LH)

Lange adem

Strafrechtadvocate Liesbeth Zegveld, werkzaam bij het Amsterdamse kantoor Van den Biesen Prakken Böhler, gaf toe dat het tribunaal de schijn van een 'overwinnaarstribunaal' tegen zich heeft. Het feit dat het tribunaal nog geen enkele poging heeft ondernomen om de Navo op het matje te roepen, onder het motto dat het geen bewijzen heeft dat het bondgenootschap zich schuldig heeft gemaakt aan schendingen van mensenrechten, geeft te denken. 'Geen misverstand, ik ben een voorstander van de berechting van Milošević', haastte de advocate te zeggen. 'Maar des te kritischer ben ik op het tribunaal.' De strategie van Milošević om tot op heden zelf geen raadsman in de arm te nemen, noemde Zegveld vanuit zijn standpunt gezien 'niet onverstandig'. Wie immers niet gelooft in de rechtmatigheid van een tribunaal maakt zich ongeloofwaardiger door een advocaat te raadplegen. Aan de andere kant berwijfelde Zegveld of het voormalige staatshoofd zijn strategie kan volhouden. 'Milošević zal een lange adem moeten hebben. Als strafrechtadvocaat weet ik dat langdurige opsluiting iets met mensen doet. Na enige tijd willen de meeste mensen wel praten.'

Overigens werd de dag na het debat bekend dat het Joegoslavië-tribunaal heeft besloten een *amicus curiae* aan te wijzen, een vriend

'De openbare aanklager bombardeert de media, maar als de verdachte één keer hetzelfde doet is de wereld te klein'

van het hof die wordt belast met het bewaken en in acht nemen van de formele rechtsregels in het proces tegen Milošević, zoals het horen van getuigen en het controleren van de rechtmatigheid van bewijsmateriaal (zie kader). Of de verdachte oud-president van de Joegoslavische federatie met deze raadsman zal willen praten, is echter zeer de vraag.

Tijdens het debat kwam naar voren dat het Joegoslavië-tribunaal duidelijk aan het licht brengt dat verschillende soorten recht – het algemene internationale recht, het inter-

ationale strafrecht en bestaande lokale strafrechtssystemen – moeilijk met elkaar sporen. Dat blijkt bijvoorbeeld uit de manier waarop Milošević aan het tribunaal is overgedragen, en uit het bedrag van drie miljard dollar dat de VS de Joegoslavische federatie in ruil voor de verdachte in het vooruitzicht hebben gesteld. Wladimiroff legde uit dat de overlevering van Milošević nationaalrechtelijk gezien wellicht een probleem zou zijn, maar internationaalrechtelijk gezien irrelevant is. 'Wij reageren vanuit ons rechtsgevoel en vinden dat de man aan het tribunaal is verkocht. Maar in veel rechtssystemen is het doodnormaal bewijs of verdachten te kopen, denk aan premiejagers.' Ook Lars van Troost, coördinator politieke zaken van

strafrechtadvocaat, 'maar als nationale berechting niet mogelijk is, bijvoorbeeld omdat een staat uiteen is gevallen en elke nieuwe staat weigert eigen onderdanen ter verantwoording te roepen, dan breekt noodwet en mag de internationale gemeenschap zich ertegenaan bemoeien.' Ideaal zou volgens Wladimiroff een tribunaal zijn dat bestaat uit een combinatie van lokale en VN-rechters en dat ter plekke recht spreekt, zoals nu wordt geopperd in onder andere Sierra Leone en Cambodja.

'Wraakactie'

De Belgische advocaat Luc Walley, die verantwoordelijk is voor de procedure tegen de Israëlische premier Sharon, betoonde zich een voorstander van een internationaal tribunaal. 'De openbare aanklagers zijn duidelijk niet onafhankelijk, maar dat wil niet zeggen dat de rechters dat ook niet zijn', meende de Belg. 'Een partieel vervolgingsbeleid tast op zich niet de legitimiteit van het tribunaal zelf aan. Een internationaal forum geeft ten opzichte van hoofdverantwoordelijken als Milošević meer garantie tot een echte veroordeling, juist omdat de politiek erbovenop zit.' Advocaat Van Heijningen reageerde smalend: 'Noem deze wraakactie van de VS toch geen recht! Mevrouw Del Ponte [hoofdaanklagster van het Joegoslavië-tribunaal, MS] – bombardeert nu de media, maar als de verdachte ook maar één keer hetzelfde doet, dan is de wereld meteen te klein. Dat is geen gelijkheid. Het is vreselijk dat de wereld met het Joegoslavië-tribunaal zo achter de VS aanloopt.'



Pers stroomt toe voor de verklaring van het hof over Milošević