

# The Milosevic indictment: legal document or political diatribe?

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Events of the past few days have made it clear that the indictment of Slobodan Milosevic by the International Criminal Tribunal for the former Yugoslavia (ICTY) was intended to buttress support in the US and Europe for NATO's war, while whipping into line those NATO countries—such as Germany and Italy—that have resisted the push by Britain and the US for a ground invasion. Clinton and Blair in particular have seized on the indictment to scuttle Russia's diplomatic efforts and insist, as they have from the outset, that there be no negotiations on NATO's demands and that Belgrade be driven to total surrender.

As one “senior British official” told the *New York Times* following the ICTY's announcement, “Chernomyrdin was trying to do a deal with a man incapable of delivering. This pushes the equation forward on troops.” British cabinet member Clair Short said NATO troops would have to be on the ground in Kosovo by September.

US Deputy Secretary of State Strobe Talbott declared, “We're not talking to Milosevic except in one language and that's bombing.”

The US media has responded by stepping up demands for an invasion of Yugoslavia. The indictment has been cited as proof that not only government leaders, but the entire Serb population is complicit in war crimes and must be punished. The *Wall Street Journal* on May 28 published a column entitled “Indictment Demands Invasion” which declared NATO could accept nothing short of the occupation of Belgrade and a program of “de-Nazification,” beginning with war crimes trials of the entire Serbian leadership.

*New York Times* columnist Anthony Lewis struck a similar note the following day, declaring that the indictment vindicated the bombing of civilian targets and the destruction of the country's infrastructure, and justified a ground war. Saying the Serb people had been “infected” by an “evil leader,” Lewis called the bombing

of water supplies, electrical grids, oil depots, bridges, roads, factories, hospitals, schools and residences “a price that has to be paid when a nation falls in behind a criminal leader.”

The Hague tribunal's indictment is not a serious legal document supported by probative evidence. Its entirely biased character is indicated by the fact, acknowledged by the prosecutor, that much of the evidence was supplied by two of the countries—the US and Britain—that are waging war against Serbia (and bombing the private residences of Milosevic).

What is most astonishing—and most discrediting—is the failure of the indictment to place the mass exodus of Kosovan Albanians and the killings of civilians within its actual context, i.e., a civil war between the separatist Kosovo Liberation Army and the Yugoslav government, compounded by the NATO bombing campaign.

The indictment makes several fleeting references to the KLA, which it describes as an armed independence movement, and notes the escalation of fighting between the KLA and Serb forces beginning in 1998. However it treats the alleged actions of Serb forces in expelling Kosovan Albanians, shelling and burning villages and killing civilians as having no relation to an ongoing military struggle for control of the province.

For all the talk of “genocide” by NATO leaders and the Western media, the indictment is able to verify only 340 civilian deaths. At least some cases of “ethnic cleansing” which it cites—including the alleged Serb massacre of Kosovar civilians at Racak last January—remain in dispute. (Some Western press accounts at the time strongly questioned the account given by US official William Walker, and supported Serb claims that those killed were KLA guerrillas, shot down in a fire fight with Serb troops).

The document makes no mention of KLA attacks on Serb civilians, some of which have been reported even in

the Western press. In general, it presents an entirely one-sided and false picture, sanitizing the role of the KLA.

Nor is there any reference to the role of external forces—the United States, the European powers, NATO, the International Monetary Fund—in crippling the economy of Yugoslavia with sanctions, promoting the country's dissolution and stoking up communal conflict between the various ethnic groups. This obvious omission contributes to a completely distorted presentation of the facts.

The very week the ICTY issued its indictment, reports of more direct and extensive US backing for the KLA emerged, including a White House directive for the CIA to train KLA forces inside Yugoslavia. American and European intelligence agencies began supporting the KLA well before the onset of NATO bombing, and since the war began, US, British and French special forces have been reported operating with KLA units inside Serbia.

The indictment barely notes the NATO bombing campaign in Kosovo and does not allow that the blasting of villages and towns could have contributed to the flight of Kosovan Albanians. (Significantly, the indictment makes no mention of the tens of thousands of non-Albanian civilians who have fled their homes in Kosovo since NATO launched its air war).

When considered within the context of the ongoing US-led assault on Serbia, it becomes clear that the indictment was not really issued in response to war crimes. Rather it is a response to Milosevic's refusal to accept US ultimatums that would amount to a surrender of sovereignty and loss of Kosovo.

Prior to the Rambouillet meetings last February and March there was no talk from NATO leaders of removing Milosevic. Indeed, only four years ago—*after* the mass killings and deportations in Bosnia—Milosevic was courted by the NATO leaders and prized as the main guarantor of the Dayton accord, which established a NATO protectorate over Bosnia.

The demands for the Serb leader's indictment and removal began only after he rejected the terms laid down at Rambouillet and then refused to buckle under to the NATO bombing campaign. Just last week two leading representatives of the American political establishment—Henry Kissinger and Jimmy Carter—acknowledged in separate articles that the United States did not negotiate in good faith at Rambouillet. As Kissinger wrote: “Rambouillet was not a negotiation—as is often claimed—but an ultimatum.”

This is a damaging admission. It means that the United

States deliberately organized the Rambouillet meetings in order to confront Milosevic with demands it knew he could not accept, and thereby create a pretext for going to war.

Since many who support The Hague's indictment of the Serb leadership make reference to the Nuremberg Trials, it is worth recalling that the Nazi leaders were charged with three categories of crimes—conventional war crimes, crimes against humanity and crimes against peace. The latter was defined as plotting to wage a war of aggression. By any objective standard, the United States' actions before and since March 24, 1999 should make Bill Clinton, Madeleine Albright, William Cohen and Henry Shelton subject to indictment for war crimes.

The indictment of Milosevic is not so much a legal document as a political diatribe against the Serbian leadership. The Hague tribunal has intervened into the war against Yugoslavia to shore up the political position of the NATO powers and provide a legal cover for escalating the bombing, invading the entire country and transforming Serbia into a protectorate of the United States.

It is an insidious perversion of the concept of war crimes in the interests of the imperialist powers, first and foremost the United States—a country that has refused to accept the jurisdiction of the World Court over its own actions.

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