Milosevic trial characterised by ineptitude and evasions

Tony Robson
21 March 2002

After receiving the full glare of the media spotlight, the trial of former Yugoslavian president, Slobodan Milosevic at The Hague virtually drifted off the radar screen for several days. The Chief Prosecutor's opening statement to the International Criminal Tribunal for the former Yugoslavia (ICTY) was given wide publicity. Bite size sections of Carla Del Ponte case for the prosecution, particularly those formulations such as the one accusing Milosevic of "medieval savagery," were given the banner headline treatment.

However, Milosevic's ability in his defense statement to turn the tables on his accusers and level the same charges of war crimes against NATO for its 78-day bombing campaign in Kosovo was greeted with consternation by the mass media. With Milosevic refusing to recognise the legitimacy of the court and appoint counsel, the assembled media believed that it would be a straightforward case of reporting the former head of state's uncontested guilt under conditions in which the verdict had already been decided. Instead, before the eyes of a world audience, NATO claims that Milosevic was solely responsible for genocide and ethnic cleansing was effectively challenged and the Western powers' supposedly humanitarian record was held up to scrutiny.

The question began to be asked who exactly was on trial? An attempt to provide NATO's aggression against Yugoslavia with a quasi-legal justification had backfired, and badly at that.

For this reason since the opening three days of the trial, media coverage has become far more low-key. The ICTY has failed to update the transcripts of the testimony presented at the trial. At the time of writing, no transcripts have been posted on its official website beyond February 19. By way of an explanation, the press office of the ICTY stated that earlier testimony had been transcribed faster because this entailed the statements of the prosecution and defense, but that subsequent testimony involved protected witnesses, so they had to be more careful. This excuse fails to stand up. The ICTY website, in its overview section of the trial, identifies the names of the witnesses who have testified right into March.

Given the predisposition of the mass media to act as faithful ciphers for NATO propaganda, the picture that has emerged despite these restrictions is damning. Over the past four weeks the tribunal has been hearing testimony from witnesses relating to the situation leading up to, and during the war in Kosovo. These are the first of 350 people that are due to be called over the next two years by the prosecution.

They were predominantly ethnic Albanian, but from different backgrounds—farmers, politicians and retirees. The claim that ethnic cleansing and other war crimes were solely the outcome of Yugoslav government policy could only be maintained by seeking to minimise or deny the role played by the Albanian separatist Kosovo Liberation Army (KLA) and its Western backers in the destabilisation of Yugoslavia.

The first alleged victim to appear before the tribunal was Agim Zeqiri, an ethnic Albanian farmer. He claimed that the Serbs burned down his village of Celina, the day after NATO commenced its bombing campaign. He claimed that the village, of about 7,000 people, was displaced and during the exodus he was separated from his family. He said he was only one of just two surviving members of a family of 18.

Conducting his own defense Milosevic was unable to complete his cross-examination, as the prosecution witness retired early on the grounds of ill health. But Zeqiri did acknowledge that the KLA had used the village as a source of provisions and that at least 300 members of the KLA were based there.

Other witnesses spoke of atrocities carried out against defenseless civilians, and fatalities among refugees. The perpetrators of these alleged crimes were constantly referred to as "Serb forces", a catchall phrase that makes no distinction between the Yugoslav army (VJ), the Republic's police force and Serb paramilitary groups.

From a legal standpoint, the term "Serb forces", when used to describe the VJ, is misleading as this was the standing army of the Federal Republic of Yugoslavia (FRY)—a sovereign state recognized under international law, which was engaged in hostilities against a paramilitary group seeking separation. Even the ICTY concedes that the KLA embroiled the VJ and the Republic's police in a violent confrontation. Point 23 of the Milosevic indictment (Part 1—the background) states, "In the mid-90's, however, a faction of the Kosovo Albanians organised a group known as the Ushtria Climirare e Kosoves (UCK) or, known in English as the Kosovo Liberation Army (KLA). This group advocated a campaign of armed insurgency and violent resistance to the Serbian authorities. In mid-1996, the KLA began launching attacks primarily targeting FRY and Serbian police forces. Thereafter, and throughout 1997, FRY and Serbian police forces responded with forceful operations against suspected KLA bases and supporters in Kosovo."

By asserting that KLA attacks were "primarily" directed against

© World Socialist Web Site

FRY and Serbian police forces, the ICTY is able to remain silent on civilian targets of the KLA, such as the refugee camps housing Serbs from the conflicts in Croatia and Bosnia, or the ethnic cleansing carried out by the KLA against other minorities such as the province's Slav Muslims, the Goranis.

This selective approach to atrocities is designed to conceal the role Western foreign policy played in aggravating the Yugoslav conflict. Behind the denunciation of the counter-offensive waged by the VJ, the NATO powers shifted their line from condemning the KLA as a terrorist outfit to promoting them as a national liberation movement. When the FRY refused to surrender its sovereignty at the talks in Rambouillet, NATO launched its military intervention.

Judge Richard May repeatedly intervened to curtail Milosevic's cross-examination of prosecution witnesses when he attempted to raise the support extended to the KLA by the West and the impact of the 78-day bombardment of Kosovo by NATO on forcing a mass exodus from the province.

Since the withdrawal of the Yugoslav army and its establishment as a UN protectorate, Kosovo has become almost exclusively ethnic-Albanian. Over half the Serb population has been driven out by the KLA and those that remain exist behind the United Nations KFOR cordons.

The prosecution also called Mahmut Bakalli, a former Communist Party official turned Kosovo separatist. He was described as a member of the newly-established Kosovo Assembly, but it was not pointed out that he stood on an open slate of one of the political parties that was formed out of the KLA—the Alliance for the Future of Kosova (AAK). During his testimony, Bakalli admitted to have acted as an adviser to the KLA political representative, Adem Demaci, who was in daily contact with foreign diplomats during the conflict.

Reporting on Milosevic's cross-examination, BBC reporter Jon Silverman stated, "Mr Milosevic also skilfully manipulated the witness into making a number of statements, which exposed his blind spot towards Albanian criminality and violence." Silverman drew attention to the following exchange: "Do you know about drug trafficking through Kosovo?" asked Mr Milosevic. "No." "What about arms trafficking?" "No."

The *New York Times* has asserted, "The activist, Harit Barani, had provided the most comprehensive account in Mr Milosevic's three-week-old trial for war crimes". In fact Barani has made allegations of Serb atrocities during the Kosovo conflict that have been disproved as long ago as 1999 by the late Daniel Pearl. In an article he co-wrote for the *Wall Street Journal* entitled, "Despite Tales, the War in Kosovo Was Savage, but Wasn't Genocide", Pearl explained, "The KLA helped form the West's wartime image of Kosovo. International human rights groups say officials of the guerrilla force served on the Kosovo-based Council for the Defence of Human Rights and Freedoms, whose activists were often the first to interview refugees arriving in Macedonia. Journalists later cited the council's missing persons reports to support theories about how many people died in Kosovo, and the State Department last month echoed the council's recent estimate of 10,000 missing. But the number has been taken on faith: Western investigators say the council won't share its list of the missing."

Pearl identified Barani as one such discredited news source. He used telecommunications equipment supplied by the KLA to report the most fantastic claims of war crimes to foreign radio services and diplomats. The most notorious of these was the claim that the Serbs had used the Trepca industrial complex to dispose of truck loads of corpses by dropping them down mine shafts, or incinerating them in the furnaces. This was proven to be a hoax after French police and forensic experts examined the area.

During his testimony to The Hague trial, Barani claimed to have discovered a "hit list" of 66 ethnic-Albanians, including his own, signed by a Colonel Markovic. This document purports to have been signed on February 19, 1999, but was supposedly discovered in a town hall by one of his friends after NATO troops entered the province in July. He claimed that three of those named on the list were killed during spring of that year. During the cross-examination, Milosevic insisted that the document was a forgery and pointed out the numerous spelling mistakes and grammatical errors it contained.

On March 6 the ICTY judges declined Milosevic's application for bail in order to prepare his brief. The pretext for the refusal was that the defendant may abscond and could threaten key witnesses yet to be called. This is in sharp contrast to the approach adopted by the ICTY to Biljana Plavsic, the former head of the Bosnian Serb republic from 1996 to 1998. Mrs Plavsic is charged with genocide, but was granted bail August 2001.

In January 2001 Plavsic voluntarily handed herself in to The Hague and signalled her readiness to testify against Milosevic. John Laughland from the British Helsinki Human Rights Group wrote:

"After a couple of in-camera hearings, indeed—the contents of which, thanks to the tribunal's draconian secrecy rules, will never be revealed—Mrs Plavsic was told that she would be released pending her trial. In August last year, this woman who has been indicted for genocide—the most serious crime in the tribunal's canon—was allowed to return to her home in Belgrade, where she presumably now sits with her cats. In the looking-glass world of so-called international justice, therefore, someone who was far more directly involved in the events in Bosnia than Milosevic was is being treated leniently, simply because she has agreed to denounce her old enemy, the former Serb president."

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site