

The Hague Tribunal: Milosevic charges NATO with war crimes

Part 2

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This is the second of a three-part series dealing with the trial of former Yugoslav President Slobodan Milosevic at The Hague. See Part 1 and Part 3.

Given the paucity of the prosecution's case at The Hague, its transparently political motivation and its manifest contradictions, only the servile character of the mass media can account for the reception given to it. Every pious statement was faithfully reported and amplified with invective against Milosevic in a way that only confirmed the impossibility of his receiving a fair trial. Milosevic's ability to drive a coach and horses through the indictment is, therefore, at the same time a devastating exposé of the mass media for having not done the same.

At The Hague Milosevic gives the impression of being a skilled bourgeois politician, rather than the ranting ideologue he is portrayed as in the media. Though certainly a nationalist, he was by no means the most rightwing exponent in either Serbia or the other former Yugoslav republics. Indeed his efforts to secure an accommodation with the US and European imperialist powers add a certain cachet to his attack on them, along with his first-hand knowledge of their manoeuvres behind the scenes. At one point Milosevic declared his intention to call as witnesses "Clinton and Albright and Kinkel and Kohl and Dini and Vollebaek and Kofi Annan and Sharping and Dole and the American team at the Dayton Accords, and all those who were present during the signing of the Paris Agreement, that is to say, everybody except for Blair and Schroeder whom I did not talk to."

Milosevic began by questioning the legality of the proceedings at The Hague and his own prosecution. He made the following points:

Firstly, because the United Nations Security Council "could not transfer the right that it does not have to this Tribunal and, therefore, this Tribunal does not have the competence to try."

Secondly, that his arrest was illegal "and the representative of the Tribunal had a part in that. It took place in Belgrade, it violated the Constitution of Serbia and the Constitution of Yugoslavia, and the Federal Government tabled its resignation because of that, and criminal lawsuits have been the result in Yugoslavia. They have been filed."

He explained, "every court is duty-bound to deal with the *habeas corpus* question before the start of trial.... You were duty-bound to call a hearing with respect to the hearing of unlawful arrest that took place over my person and with respect to the fact that I was brought here on the basis of a crime having been committed..."

Finally, he questioned the possibility of his receiving a fair trial, especially an unbiased stand on the part of the prosecution. He cited the adoption in 1990 by the United Nations Congress of "its own set of instructions with respect to Prosecution and the Prosecutor... demanding that there must be no prejudice and that there must be impartiality. From everything that we have heard here so far, we have become more than

convinced that, not only is it partial, but your Prosecutor has proclaimed my sentence and judgement, and the Prosecution has orchestrated a media campaign that is being waged and organised. It is a parallel trial through the media which, along with this unlawful Tribunal, are there to play the role of a parallel lynch process..."

Milosevic called The Hague tribunal "a crime against a sovereign state, against the Serb people, against me. You wish to try me for deeds carried out in the capacity of head of state, in the defence of that state and that people from terrorism, and from the greatest military machinery that the world [has ever seen].... The whole world knows that this is a political trial and that it has nothing to do with law whatsoever."

Tellingly, he added; "There is not a single element of a fair trial or of equality between the parties.... There is an enormous apparatus on one side, a vast media structure on that same side [with] all kinds of services.... Everything is at your disposal. What's on my side? I only have a public telephone booth in the prison. That's the only thing I have available in order to face here the most terrible kind of libel addressed against my country, my people, and me, everything that you mentioned here."

On February 14, Milosevic began his defence proper by showing videotape of the impact of NATO's 78-day bombing campaign on Kosovo and Serbia. This noted the Western powers' use of depleted uranium munitions, provided a factual refutation of the claim that civilian Albanians had been killed at Racek rather than KLA fighters, and showed how this incident provided a pretext for NATO aggression.

Milosevic noted that the allegation that ethnic Albanians were leaving Kosovo as a result of Serbian ethnic cleansing was essential in order that Germany and other Western states could overcome domestic opposition to war. For these reasons there was a refusal to acknowledge the role played by NATO's bombardment of Kosovo and the KLA—for its own propaganda purposes—in forcing many people to quit the province. The West, Milosevic insisted, knew that a full-scale humanitarian catastrophe would only unfold when the bombing began.

Subsequently 6,000 air strikes were made against Serbia, without the mandate of the UN and outside the defensive remit of the NATO charter.

Milosevic was able to effectively exploit the apparent incongruities of US foreign policy, given the Bush administration's declaration of an international war against terrorism. He noted that the US had at one time designated the KLA as a terrorist organisation, and that it has proven links with drug running and prostitution. He also cited Osama bin Laden's connections with various Albanian Islamic fundamentalist movements. From this he argued, "The Americans go right the other side of the globe to fight against terrorism. In Afghanistan, a case in point, right to the other side of the world. And that is considered to be logical and normal, whereas here the struggle against terrorism in the heart of one's own

country, in one's own home, is considered to be a crime."

He made some telling points as to the prosecution's wilder excesses. "They even claim, and we have heard this over the past two days, that I intentionally caused the NATO aggression and war against Yugoslavia and the sufferings of millions of its citizens for the sole purpose of using this occasion to kill the Albanians." In opposition, he insisted, "Our defence was a heroic defence, a heroic defence from an aggression launched by NATO, the NATO pact."

In reply to the allegation that he orchestrated the cleansing of ethnic Albanians in Kosovo, he said that Kosovo had been subject to "Day and night bombing, 24 hours, round the clock, every day for 78 days.... Now, they wish to negate that fact by bringing witnesses here who are going to say that they in fact fled from Serb forces, as you call the army and the police.... I really wonder whether there is a court that is going to look at 78 days of bombing, day in, day out, and is there a court that is going to disregard that fact in favour of witness statements".

Milosevic acknowledged freely that criminal acts had been committed by "some individuals or some groups", but asked whether an official policy of ethnic cleansing "could have been organised, especially in massive proportions, without an order, without an organisation?"

He countered that, "Your bosses [the NATO powers] broke up Yugoslavia, also the small-scale Yugoslavia [Bosnia Herzegovina], and now they want all three peoples in Bosnia Herzegovina to foot the bill, all these people that they had pushed into a civil war, in order to keep the true responsibility as far away from themselves as possible, for the war that they had caused. After all, why were they forcing Bosnia to leave Yugoslavia if they didn't want a conflict? When they finally threw Bosnia out of Yugoslavia and when all three parties accepted the Cutilheiro plan for the organisation of Bosnia, why did they say to [Bosnian Muslim leader] Alijah Izetbegovic that he should withdraw his signature? The US ambassador, Warren Zimmerman, who said that to him and could not deny it, wrote in his book that perhaps he had made a mistake when he said to Mr. Izetbegovic that he should do that. And that's how the war began."

The prosecutor had called Milosevic's plan to ethnically cleanse the Kosovar Albanians "Operation Horseshoe". Milosevic noted that when it was presented in the original indictment, it was called "Podkova" which is a Croatian word. "The Serbs would never have written the word 'Podkova.' They would have used the word 'Podkovica,' meaning horseshoe."

He asked, "What do we mean by internal displacement of persons in Kosovo, and what could be a motive for internal displacement in Kosovo, and what is the explanation when conflicts occur in one area when terrorist bands and groups storm villages, killing inhabitants? And you will see later on just how many Albanians were killed before the war began, two and a half times more than the Serbs that were killed.... So of course the inhabitants of that village will flee to a neighbouring village to stay with their friends or to the town. Or if they had no relatives there, to a collection centre organised by the authorities. So internal displacement of the population. I don't understand it. What could be the purpose of internally displacing the population, other than a malicious interpretation of the fact that people were running away?"

Milosevic added that no negative position could be attributed to his refusal to hand over alleged war criminals such as Bosnian Serb leader Radovan Kradjic because, "I would never hand over anybody to you because I consider that it is an illegal tribunal". His government had offered to try suspected war criminals if the NATO powers offered up evidence against them.

He was able to quote extensively from his speeches cited by the prosecution to argue that they were not chauvinist rants aimed at whipping up ethnic antagonisms.

Amongst the passages he cited is the following: "Equitable relations

amongst Yugoslav peoples are a necessary prerequisite for the preservation of Yugoslavia for it to emerge from the crisis and particularly necessary for its economic and social prosperity. In that way, Yugoslavia is not extracted from the social ambience of the modern and particularly the developed world. The world is prone to national conciliation, national cooperation, and national equality.... The people of Serbia this year have become fully conscious of the need for harmony amongst themselves as a necessary prerequisite for their life today and future development."

Milosevic went on to speak of battles, as the prosecution pointed out. But he said, "Our main battle today relates to the realisation of economic, political, cultural, and general social prosperity for the faster and more successful joining of a civilisation in which people will live in the twenty-first century."

He stressed the multi-ethnic nature of Serbia in a way not designed to appeal to the Serb nationalists, but to combat the influence of Albanian separatism: "And in that sense, the national composition of practically everybody is being changed, especially the developed countries of the modern world. Evermore and evermore successfully, different ethnic groups are living together, people of different religions and different races. Socialism, as a progressive and just democratic society should not allow itself that people be divided on an ethnic and religious basis... Yugoslavia is a multinational community, and it can survive only if there is full and complete equality of all the nations and nationalities living within it."

What Milosevic was articulating was not simply rhetorical excess, or some political subterfuge designed to conceal a rampant nationalist agenda. His politics were certainly not socialist, as he claimed, but he had not completely broken from the old Titoite vision of a federated Yugoslavia. He therefore saw himself, not as a Serbian nationalist, but as a Yugoslav nationalist and an opponent of national separatism, which was being utilised by the Western powers to dismember Yugoslavia. His attraction to the old federal arrangements did not mean that his position was incompatible with Serbian nationalism, but Milosevic does note that he was attacked by the more right wing nationalist parties as a conciliator, especially for having endorsed the Dayton Accords.

He asked the court at one point; "Do you think that in Serbia there were not voices, strong voices at that, that Serbia should secede from Yugoslavia? Especially according to those who were strongly anti-Communist. Yugoslavia had been a dungeon of nations and it had to be broken up. I told them then, too, that Yugoslavia was in the interest of all the Southern Slavs, that they should all live together on a footing of equality. It is also in the interests of the Serb people whose interests you claim to be advocating. And you don't know what you are advocating because Yugoslavia is the only option under which Serbs can live in a single state because they live in all the republics. You abused that as well. The press abused that. That this was a programme of a Greater Serbia and that that is why this was carried out. But what I added then is that in this way, all the Croats live in one state, all the Muslims live in one state, all the Macedonians live in one state. Do you know that in Serbia there are more Muslims than in Bosnia? And that the greatest misfortune was for Yugoslavs to have Yugoslavia broken up."

To be continued



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