

The Hague Tribunal: Milosevic charges NATO with war crimes

Part 3

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This is the conclusion of a three-part series dealing with the trial of former Yugoslav President Slobodan Milosevic at The Hague. See Part 1 and Part 2.

Milosevic's indictment of NATO began by charging the Western powers with crimes against peace for having deliberately fomented civil war in Yugoslavia and then bombing its people: "The first and greatest crime was the aggression itself, which represents a crime against peace. And the crimes of genocide were perpetrated, crimes against humanity, and war crimes from the 24th of March, 1999, when NATO attacked Yugoslavia, up to the present day."

He continued, "Aggression against the Federal Republic of Yugoslavia was the greatest aggression in the world after World War II. The alliance included 19 of the most highly developed countries, 676 times more powerful than Yugoslavia on the basis of facts and figures, statistics... NATO did not choose its victims. Children suffered, women, elderly people. All of them suffered: Ailing people, pregnant women, serious patients having to undergo dialysis, refugee columns, journalists and cameramen doing their jobs, farmers in the fields, salesmen at marketplaces, passengers on trains, passers by on bridges. Whole housing blocks were destroyed. Whole centres in towns were destroyed. Everything was done in conformity with the statement made—and you all read it in the papers—that Serbia must be sent back to the Stone Age."

Milosevic's factual depiction of the results of NATO's bombardment was horrific and lasted several hours. Of the total number of civilians killed, 30 percent were children. Of the total number of civilians seriously wounded and injured, 40 percent were children. Some 1,300,000 pupils were unable to go to school. More than half the victims of NATO bombs in Kosovo were Albanian citizens, "precisely those people for whose alleged protection the aggression was implemented, and the perpetrators named the aggression humanitarian intervention... In Kosovo, in all the bombing campaigns, they only succeeded in destroying seven tanks, but on the other hand, they did succeed in destroying many more hospitals. They hit many more hospitals than they did tanks. They hit many more schools than they did tanks. They hit many more health centres and nurseries and kindergartens than they did tanks. They used cluster bombs and violated the use of prohibited weapons."

NATO created an ecological catastrophe by bombing oil refineries and chemical facilities and using weapons containing depleted uranium. Milosevic cited a long list of bombed medical centres, 34 pages of schools that were hit in just one month, as well as cultural monuments, bridges, TV channels, radio masts, railways and other vital infrastructure such as workplaces. He also noted the deliberate targeting of the Chinese Embassy on May 7.

Milosevic insisted, "For the crimes committed and the war damages done, it is the Alliance that is responsible and the Member States that took

part in the aggression on Yugoslavia as well as all other states which indirectly assisted NATO. In addition to the States, there are physical persons also responsible and accountable: Those who issued orders, the heads of state and government, the ministers of defence, the Secretary-General of NATO himself, the military commanders and others, right up to the perpetrators themselves."

As to the war's motives, Milosevic said; "Today it is more than obvious that the real reason for the NATO aggression was the geostrategic spreading of NATO interests and its areas, and also to create a precedent for using force in contravention of the UN Charter and without the approval of the UN Security Council."

The catalogue of incidents read out by Milosevic, as well as his use of various television documentaries and witness statements from around Europe clearly disturbed Justice May. At one point the Judge tried to impose a limit on Milosevic's testimony of two days, but was persuaded by the prosecution to extend this by half a day for fear that such blatant censorship was a step too far.

In any case, Milosevic succeeded in exposing the political bias of the trial. Even if he were guilty of every charge levelled against him, the actions of the Western powers in indiscriminately targeting the Serbian people for massive and sustained bombing—as well as many of the Kosovo Albanians they claimed to be defending—would make them guilty of war-crimes. That they do not stand alongside Milosevic in the dock by itself serves to refute all claims that The Hague tribunal is a vehicle for imposing a universal standard of justice with regard to human rights violations.

As Milosevic asked, "what kind of Tribunal can you talk about if you refuse to try people for all these crimes, the crimes committed by the leaders and governments and army of the NATO pact countries that I enumerated, that I quoted, on the territory of Yugoslavia. And you call yourself a war crimes Tribunal for crimes committed on the territory of Yugoslavia. Not even in the Security Council Resolution which set you up, although it was unlawful in taking that Resolution, but not even in that Resolution with respect to crimes in Yugoslavia are the Americans, French, or anybody else exempt... And thus you have defined yourself as the exponents of the side that perpetrated the crimes and as accomplices in crimes against somebody who defended themselves on their own territory."

In the latter part of his opening statement to the ICTY, Milosevic noted the willingness of the prosecution to utilise contested incidents such as the alleged massacre at Racek and to parrot uncritically statements by NATO politicians and military personnel. Returning to the lack of proof of his personal responsibility, he noted, "You have said that you are going to try everyone, but you tell me I am responsible by virtue of a chain of command, a command responsibility that exists in no laws."

He also turned to the crimes committed by the KLA and the support lent to the terrorist group by the Western powers, particularly following the end of the war and the establishment of the UN's KFOR security mission and the UN (UNMIK) civilian administration in Kosovo.

He insisted that under KFOR's noses the KLA killed 3,000 people and kidnapped 2,500, of which 1,300 are still unaccounted for. Over 360,000 Serbs and other non-Albanians were expelled, according to Milosevic. Given the court's insistence that he was personally responsible for whatever took place while he was president of Yugoslavia, he asked whether the same rule will be applied to KFOR and UNMIK. They just as surely knew what was going on—the court's standard proving guilt.

Milosevic charged that the NATO states had “formed, financed, coordinated and supported, until the present day, Albanian terrorist groups, and they started doing that before 1998 in order to create a reason for aggression.” After the war, “They promoted these people into some kind of new forces of law and order in Kosovo. And finally, they have not done a thing to prevent these same groups in the commission of new crimes.”

He stated that the KLA had destroyed churches, burnt out houses, destroyed two million books by non-Albanian authors, transferred entire factories to Albania and facilitated the movement of between 250,000 to 300,000 citizens from Albania and Macedonia into Kosovo. With the tacit support of KFOR, the KLA then launched an offensive across the border with Serbia and into Macedonia.

“From this whole overview, it is obvious that this extensive crime is ongoing and that this is criminal association of the powers who committed the aggression on Yugoslavia together with terrorist killers and the drug Mafia of Kosovo Albanians who today are killing not only Serbs [but] also Albanians.”

Milosevic stated that the Dayton Accord had been deliberately sabotaged by the West through its support for the KLA. A leading role had been played initially by the German intelligence services, the BND, “while the USA, right up until March and April 1998, treated the KLA as a terrorist organisation”. Germany's role was supervised by then Foreign Minister Klaus Kinkel, who also headed the intelligence services. It was Germany that first insisted on recognising the independence of Slovenia and Croatia in 1991 and which had armed Croatia until 1994 to facilitate its efforts to take over Bosnia-Herzegovina and Krajina.

Later the US switched its position to support the KLA as a vehicle for its intrigues against Serbia. It elbowed Germany out. KLA leader Hashim Thaci was the US man on the ground, Milosevic stated.

Milosevic also made the correct historical observation that German imperialism had long had relations with Croatian and Albanian nationalists, who provided the essential puppet regimes during the Nazis' efforts to conquer the Balkans.

He charged that the immediate spark for Germany's efforts to destabilise Kosovo began following a 1987 summit of the countries of southeastern Europe, after which the Albanian government had pronounced the issue of Kosovo's status an internal Yugoslav affair. Germany, he said, set out to prevent a peaceful resolution by encouraging the KLA to escalate its attacks. “From then onwards an explosion of terrorism, that's the way I'd like to put it, started in Kosovo and Metohija. During the entire previous decade, there were very few attacks. Then only within about a month's time, and from the beginning of 1998 until just before the NATO aggression, 1,068 attacks were launched against individuals, citizens only, that is to say, about 100 times more than in any one of the previous years.”

He described the terror campaign waged by the KLA: “Everybody was a target, including Kosovo Albanians, especially those who were employed in the government.” The KLA killed 387 citizens, of which only 75 were ethnic Serbs and Montenegrins while 196 were ethnic Albanians. “Parallel with this there was an enormous number of terrorist attacks on the facilities and members of the Ministry of the Interior; 1,642 attacks,”

Milosevic claimed. “Among these attacks, most of them were attempts to kill; 163 attempted murders. And actually 241 members were killed, and together with them 28 citizens, 23 wounded. Another 478 members of the Ministry of the Interior were seriously wounded and another 363 injured.

“In that period, at the time, 246 terrorists were [arrested], eight injured, and 238 killed in clashes with members of the Ministry of the Interior,” Milosevic alleged. Out of the 309 registered attacks on members of the Yugoslav army, 40 soldiers were killed.

He concluded by insisting, “Not a single government in the world—gentlemen, there is no government in the world... would remain passive to such activities by armed bands which, in less than two years of an armed revolt, killed 152 persons.”

Milosevic drew attention to the known links between the KLA and Osama bin Laden's Al Qaeda network in order to present his defence in terms that would find favour with sections of the European bourgeoisie as someone who had fought against the international terrorist network proclaimed by President Bush to be the greatest danger to peace and democracy.

Milosevic continued by appealing to the growing fears within European capitals of the aggressive, expansionist and unilateralist drive of US foreign policy. He warned his accusers that President Clinton had “proclaimed the destruction of an independent and sovereign state 776 times weaker, 10,000 kilometres away from America, as a target for a war without casualties. And to make it an even greater absurdity, Yugoslavia had no disputes with anyone of those states, any disputes of a territorial or of any other nature, nor had it attacked anyone, nor was it a threat to any neighbouring state... The whole world should hear this alarm bell ringing because the whole world is the target of neo-colonialism, including the rather tired and sleepy Europe.”

Milosevic turned again and again to the role being played by the Western media in The Hague prosecution. He noted that CNN said “they were not showing Milosevic's photographs because they are too gruesome for the public. That was their official explanation. They don't want their public to see their crimes, and thereby they only confirm that they are in the service of crimes and in leading their own public astray.”

He concluded with a challenge to the court: “If war crimes were carried out over Yugoslavia, what you saw here and what the Yugoslav and world public saw, then those who committed these crimes have to be held accountable. You do not wish to hold them accountable and to call them because you represent them.

“However, what came here before the public eye, thanks to this sorrowful trial, puts all of those people responsible before a grand jury that consists of the entire public opinion, and they will not be able to evade responsibility for what they did. I am convinced of that because I am convinced that the majority of people are honest people. If I did not believe in that, life would be pointless... After all, the public will speak up. They are the jury, because this Tribunal does not have one.”

In reporting the opening days of the trial, it has been necessary to take great liberties. Days and days of testimony can be read in which arguments are presented and countered of a factual nature regarding diverse incidents during conflicts that lasted close to a decade—something impossible to replicate. Moreover the work of independently checking the various accounts, statistics and sources would be a monumental task. Instead these initial reports of the trial proceedings have attempted to concentrate on the fundamental political thrust of the prosecution case and of Milosevic's defence.

Despite these restrictions, however, one searches in vain for similar reporting of the ICTY proceedings in the media. Instead in the main we have seen journalism reduced to the mere dissemination of propaganda—with perhaps the worst being the *Washington Times'* cynical contribution, “Why not victor's justice?” The other reaction has been to simply express nervous embarrassment that Milosevic did not

come over as a buffoon, but instead made things extremely awkward for del Ponte and her team. As far as any journalist challenging the official version of events themselves, however, there is no sign. It is certain that the longer the trial goes on, the more awkward facts will emerge exposing the efforts of the Western powers to conceal their own responsibility for the ongoing tragedy they have inflicted on the Balkan peoples.

Concluded



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