

# The Milosevic trial: More questions raised over Racak

Paul Mitchell  
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Two weapons inspectors in Kosovo have recently given evidence about events in the Yugoslav province in the six months leading up to the NATO bombardment in March 1999. British Army officers General Karol Drewienkiewicz and Colonel Richard Ciaglinski appeared as witnesses for the prosecution in the trial of former Yugoslavian president, Slobodan Milosevic, at the International Criminal Tribunal for Yugoslavia (ICTY) in The Hague for crimes against humanity.

Although the British officers' main evidence was about the "inappropriate" military response of the Yugoslav authorities during the conflict, the proceedings threw additional question marks over what provided the justification for NATO's bombing campaign—the alleged massacre of ethnic Albanians at Racak. Their evidence and the cross examination by Milosevic also shed light on the role played by the inspectors in paving the way for NATO's war.

Drewienkiewicz was one of six deputies reporting to US Ambassador and head of the Kosovo Verification Mission (KVM) William Walker. In practice, Drewienkiewicz was chief executive officer of the KVM and Ciaglinski was his second in command. They were responsible for liaison with the Yugoslav authorities, meeting almost daily with the Serbian Cooperation Commission under retired General Dusan Loncar.

The KVM was set up under the control of the Organisation for Security and Cooperation in Europe (OSCE), after an agreement between Milosevic and United States envoy Richard Holbrooke on October 13, 1998.

On 15 January 1999, Serbian police and army carried out a pre-announced action, accompanied by inspectors and the media, against Kosovo Liberation Army, KLA gunmen, whom they thought were in Racak after three policemen had been shot. There was an intense battle between the Yugoslav forces and the KLA, prompting a visit from Drewienkiewicz and Walker two days later. Drewienkiewicz explained how, on the way, "Walker made it clear to me that I was to adopt an extremely uncompromising attitude in this matter." When they arrived the KLA took them to a gully that contained 45 dead bodies. Once the bodies had been discovered, Drewienkiewicz told the court "Walker's assistant rushed to the top of a hill to phone through to NATO". At a press conference that evening Walker announced there had been a massacre (without mentioning the deaths of three policemen). Shortly before the announcement Drewienkiewicz said he heard Walker on the phone to Richard Holbrooke saying, "Dick, you can kiss your Nobel Peace Prize goodbye." According to Drewienkiewicz, "I was surprised at the time that he was as specific as to refer to the event as a massacre. However, I do agree with what he said."

The following day the morning briefing report prepared for Drewienkiewicz still said, "The apparent massacre has the indications that Serbian civilians could have been involved. Professional soldiers or MUP [police] forces would not normally conduct such atrocities... the sighting of Serbian civilians by villagers suggest they could very well be responsible, for they are not controlled by the government."

The evidence at the scene did not support the uncritical assertion that a massacre had taken place. Although the bodies were lying close together and shot in the neck and head, Drewienkiewicz was unable to find any bullet cartridges nearby. Walker did not follow established procedures. Drewienkiewicz explained to the court, "We were, I think, very, very conscious that you can sometimes make a situation worse by overreacting to an initial report. And there had been instances of that in December of 1998 when alarming reports came in which, upon investigation, were less awful than the first report—that many times atrocities would turn out not to be the fault of those originally suspected." So a thorough investigation was normally carried out first. As an example, Drewienkiewicz explained to the court how he had been travelling in a KVM/Yugoslav Army convoy that had been fired on, resulting in the wounding of two of his own inspectors. At first he thought it was warning fire from Serbian forces, but after an investigation the KLA admitted to the attack.

Some of the US allies realised that the alleged massacre at Racak would be used to pressure reluctant countries to accept intervention. Willy Wimmer told the court of his reaction as the former German Christian Democrat defence minister and vice-president of the parliamentary assembly of the OSCE. He complained at the time, "We refute the manipulations being carried out by the television footage with the intention of provoking a NATO intervention in Kosovo or everything would point to the creation of certain reactions so when I see certain images and photographs, we—it makes us issue automatic orders to our soldiers." A year later he explained, "Everybody in the OSCE knew that NATO and the USA and Britain did not wish the mission to be a success. I have heard much testimony of people saying that the American instructors trained the Albanian fighters. They explained to them that it was strategically wise to killing [sic] Serb policemen in order to cause repression of large dimensions over the Albanian community."

The reasons for the uncritical stance taken by the inspectors regarding Racak was explored by Milosevic, who insisted that inspectors had acted as spies for the US and were implicated in its provocations against the Serbian regime.

To monitor a reduction in troops and weapons on the part of Serbia, 2,000 unarmed KVM inspectors were recruited. But no such agreement was ever made with the KLA. According to

Drewienkiewicz, "It was very much the intention that there should be a similar agreement between the OSCE and the Kosovo Albanian community, and strenuous efforts were made by Ambassador Chris Hill, an American diplomat, to get such agreement. That effort went on well into December 1998 before it was finally concluded that it was not going to be possible to get such an agreement."

According to Drewienkiewicz, one KLA leader had said, "if the peace agreement was signed, he would take his units to the hills and carry on guerilla warfare there. And the conclusion is that regardless of what will happen at the next round of peace talks, there is a definite willingness on behalf of members of the KLA to continue fighting."

No one can doubt the KLA's intention to continue to fight, but the West made no attempt to curb the organization. The KLA was in fact functioning as a cat's paw of the Western powers. The US and Germany in particular were switching from formally rejecting Kosovar independence to open support for the KLA.

The court heard how KLA leader Ramush Hajradinaj claimed, "The agreement signed by Holbrooke has saved the KLA. The arrival of the OSCE verifiers in Kosovo has enabled the revival of the UCK [KLA]". The result of the KVM intervention was that as soon as Yugoslav forces left an area, the KLA moved in. A report read out in court and written by Gabriel Keller, Walker's second in command, said, "Every pullback by the Yugoslav army or the Serbian police was followed by a movement forward by its [the KLA's] forces which the other side, of course considered a violation of the cease fire. OSCE's presence compelled the state forces to certain restraint at least in the beginning of the mission and the UCK took advantage of this to consolidate its position."

Although there was no verification agreement with the KLA, the KVM expected full access to Yugoslav Army bases. Ciaglinski said that the standard procedure for undertaking weapons and arms verification "is to give a short amount of notice to the country being visited and then to have complete access to everything within the barracks and within every unit, within every sort of barracks, within every training area in that country." He admitted that "the method we used... was very confrontational and the Serbs were not happy with this."

Keller's report states, "Some of the mission members chose from the beginning to adopt a very aggressive behaviour with the official [Yugoslav] authorities.... After some weeks the global image of OSCE/KVM was seen to be anti-Serb, pro-Albanian and pro-NATO." He concludes, "The even-handedness of the mission was questioned from the beginning. We never managed to clear this impression. By the way, did we really try?"

The court also heard how Walker vetoed the appointment of Italian judge Giovanni Kesler to be his deputy for the judiciary and police, because Kesler had said it was important, "to cooperate in a cordial manner with the police."

Milosevic cited quotations from Italian inspectors contained in a "geostrategic review called *Limas*", according to the court transcripts. They were forthright in their views about the role of Walker and the KVM. "In my view, he [Walker] had two primary aims. One was to infiltrate personnel into the theatre with intelligence tasks and for Special Forces activities, preparatory work for a predetermined war... The other was to give the world the impression that everything had been tried and thus create grounds for public consent to the aggression we perpetrated." They criticised, "Walker and his British chief of operation, Karol John Drewienkiewicz for rejecting any cooperation with Serb authorities." The Italian inspectors saw the KVM as,

"controlling the mission's information flow, and most serious of all, for using the mission to make contacts with UCK rebels and train them to guide NATO to targets in the subsequent bombing." They concluded, "it was an occasion for Walker and the US State Department to denounce the Serbs for breaking the truce. Europeans saw things differently. The Albanian rebels with US encouragement... dramatically provoking Serb attacks in order to justify NATO coming in on their side of the conflict."

Ciaglinski was asked if he had been a spy for NATO. He rejected this, claiming that the KVM did not "respond to requests" from NATO to provide information "specifically for intelligence purposes". But the court heard how Pascal Neuver, a Swiss verifier, had admitted, "We understood from the beginning that the information gathered by the KVM was used for completing the information gathered by NATO satellites. We had the impression that we were gathering intelligence for NATO."

The connection between the inspection teams mounted by the US and the preparations for war against Serbia were more direct still. Drewienkiewicz explained how the private company, Dincor, had recruited the US inspectors, some of whom had been previous employees with the mercenary group, Military Professional Resources Incorporated (MPRI), which had trained the Bosnian Croat-Moslem Federation Army in army tactics. Drewienkiewicz insisted these people were now "verifiers with our mission. There was emphatically no training carried out." The Dutch government inquiry into the 1995 Srebrenica massacre, however, shows that US agencies helped smuggle enormous quantities of weapons to the Moslems during the Bosnian civil war in defiance of international sanctions (*Dossier Srebrenica: Intelligence and War in Bosnia 1992-95*, Netherlands Institute for War Documentation).

One final point of special interest was the statement made by Drewienkiewicz to the court. "My opinion was that up until the moment that we drove out of Kosovo on the 20th of March, I came across no indications that there was a plan to expel the civilian population. I was absolutely clear that there was a plan to deal with the KLA which would involve bringing in reinforcements of the Yugoslav Army and those reinforcements had started to arrive before we left. But I was not—I saw no evidence that such a plan to expel the civilian population existed as at 20th March." This is an important admission, given that the charge against Milosevic for crimes against humanity focuses on the claim that he was responsible for ethnic cleansing, defined in the indictment as, "the unlawful deportation and forcible transfer of thousands of Kosovo Albanians from their homes in Kosovo... in well-planned and coordinated operations".



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