

The Milosevic Trial: William Walker's role as provocateur

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William Walker, the former head of the Kosovo Verification Mission (KVM) for the Organisation for Security and Cooperation in Europe (OSCE) insisted in his testimony to The Hague that Slobodan Milosevic had knowledge of the events in Kosovo and should be held responsible for the atrocities carried out there.

Former Yugoslav President Milosevic is on trial at the International Criminal Tribunal for the former Yugoslavia (ICTY) for crimes against humanity. He faces five counts of war crimes in Kosovo and has been indicted for another 61 counts of war crimes, including genocide, for alleged crimes in Croatia and Bosnia.

Walker's testimony was key to the prosecution's efforts to establish Milosevic's guilt. He said of the accused, "His knowledge was in many respects quite detailed. I never wavered in my opinion that I was dealing with the person who was in maximum control of events in Kosovo, at least from the Serb side."

Walker's testimony on the alleged massacre at Racak in particular was meant to prove that Milosevic was responsible for the events in Kosovo and that the NATO bombing of Serbia was a justifiable response. Then US Foreign Secretary Madeleine Albright called Racak a "galvanising incident", while for German Foreign Minister Joschka Fisher, "Racak became the turning point".

To emphasise the importance of his account, judges at the Hague tribunal gave Walker nearly two days to testify. In contrast, when Milosevic asked how long he had to question the witness he was told by Judge May, "Three hours, no more: if you refrain from arguing with the witness, if you refrain from repeating the question, if you ask short questions you will be able to get more done."

Despite this obvious bias on the part of the court, things did not turn out quite the way the prosecution wanted. Walker's testimony served to highlight the central role he had played in proclaiming Racak as a massacre and thus paving the way for NATO's bombing of Yugoslavia.

William Walker was head of the KVM, which was set up under the control of the OSCE after an agreement between Milosevic and the US envoy Richard Holbrooke in October 13, 1998. Before becoming head of the KVM, Walker was a deputy to the Reagan administration's Assistant Secretary of State Elliot Abrahams, who was implicated in the Iran-Contra affair, through which the US illegally supplied weapons to the right-wing Contras who were seeking to overthrow the Sandinista government.

Prior to his appearing at The Hague, two of Walker's weapons inspectors had given evidence about the events in Kosovo leading up to the NATO bombing—his deputy General Karol Drewienkiewicz and Colonel Richard Ciaglinski. They had also given evidence about the alleged massacre at Racak.

On January 15, 1999, Serbian police and army personnel, accompanied by KVM inspectors and the media, mounted an operation against ethnic Albanian Kosovo Liberation Army (KLA) gunmen, whom they thought were hiding out in Racak, after ambushing and killing three policemen. The army sent in armoured troop carriers and artillery into Racak,

Petroovo, Malopoljce and Renaja. Two days later, after intense fighting between the Yugoslav forces and the KLA, Drewienkiewicz and Walker visited the area. 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 that there had been a massacre (without mentioning the deaths of the 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." Drewienkiewicz added, "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."

Walker admitted that Drewienkiewicz had briefed him 14 hours before—the night of January 15—about fighting in the area between the KLA and the army and that three policemen had been killed in the vicinity three or four days before. He also knew on January 15 of police reports that 15 KLA militia had been killed at Racak, but at the press conference he said he disbelieved them. Film also shows him walking amongst KLA uniformed corpses.

Walker still held his press conference on January 16 without mentioning the dead policeman or the KLA and saying that the bodies were all civilians. His press statement was, he said, "totally my creation" (page 6805). Walker admitted that he was "not a crime scene investigator" (page 6801) and when one arrived—Judge Danica Marinkovic—on January 17, he refused to meet her. During his testimony, he said he had no recollection of Holbrooke or NATO commander General Wesley Clark speaking to him—"No recollection of myself talking to some of the people who have later said they talked to me."

However, Wesley Clark does remember talking to Walker. In his book Clark describes a phone call from Walker on January 16:

"Wes, we've got trouble here" he began. "I know a massacre when I see one. I've seen them before, when I was in Central America. And I am looking at a massacre now... There are forty of them in a ditch, maybe more. These aren't fighters, they're farmers, you can tell by looking at their hands and their clothes. And they have been shot at close range".

This account has been disputed by the findings of a Finnish forensics team called in to investigate the incident. The team was firstly critical of the fact that, in the haste to describe the incident at Racak as a massacre, basic crime scene procedures had not been observed. Three days after the event, the Finnish forensic team reported that at no point was the scene of the incident isolated to stop unauthorised access. The report stated, "The scene should then be photographed and videotaped, any evidence be collected and victims localised and marked at site... victims should then be placed in individual bodybags for transport to the morgue. With respect to Racak none of this was done or was done partially and improperly". The

team had no independent verification of the massacre and had to rely on information from the OSCE and European Union observers or the press. Other findings show that only one dead victim was a woman. One victim was under 15 years of age. Six had suffered single gunshot wounds. Most of the 44 were covered by multiple wounds from different angles and elevations, characteristic of a firefight rather than a close range execution. Only one had been shot at close range and no signs of post-mortem mutilations were found. The team could not confirm that the victims were from Racak.

Compare Walker's response to Racak with his attitude to the murder of six Jesuit priests in El Salvador or the killing of teenagers in Pec by the KLA. In El Salvador Walker tried to blame the killing of the Jesuits on guerrillas dressed as soldiers. He told the ICTY, "I made an inaccurate statement, in hindsight". When the KLA was blamed for the killing of the Serb teenagers in Pec he said, "When you don't know what has happened, it's lot more difficult to sort of pronounce yourself ... To this day we do not know who committed that act." He did not exercise the same degree of caution regarding Racak.

When Milosevic tried to raise the events in El Salvador, Judge May intervened by saying: "Your attempt to discredit this witness with events so long ago the Trial Chamber has ruled as irrelevant." And later: "This is an absurd question, absolutely absurd. Now you're wasting everybody's time."

Milosevic drew attention to the fact that Walker was at the same airport, Illopango, with Lt. Col. Oliver North who was gun running to the Contras, while Walker was supposedly providing them with humanitarian aid. Walker explained this by saying, "Unbeknownst to me, unbeknownst to the State Department, unbeknownst essentially to the world, a Colonel Oliver North in the National Security Council was doing things that were eventually determined by Judge Walsh and his commission to be illegal."

Milosevic continued to try and discredit Walker's account and his interpretation of events in Racak. He asked of Walker, "Now that we are talking about Racak, in your statement you say the following: 'As I was watching these bodies, I noticed a few things. First of all, judging by the wounds and the blood around them, and also the pools of dried blood on the land around the bodies; it was obvious that these were the clothes that the people wore when they were killed. There was no doubt in my mind that they died where they were lying. The quantity and the location of the blood on the soil in front of them, each and every one of them, was a clear indication of that'."

Milosevic asked for a series of photos of the bodies to be shown in the correct order and asked, "Where is this blood by the bodies or by individual bodies? Where did you see traces of blood there?"

This began the following exchange:

Walker: "On that picture?"...

Milosevic: "Are there any traces of blood here anywhere?"

Walker: "I assume that's blood."

Milosevic: "You're talking about pools of blood on the soil, and on the soil there is no blood at all."

Walker: "Not in this picture."

Milosevic: "Not on the previous picture either. Is there any blood, any traces of blood, any pools of blood here on the soil either?"

Walker: "Not on that picture."

Milosevic: "Not even here, there is no trace of blood anywhere on the ground, and we see that there are rocks all around."

Some of the photographs used in the trial came from one of Walker's observers in the KVM, a London Metropolitan police inspector, Ian Robert Hendrie. Hendrie had recently given evidence to the trial regarding his trip to the "massacre site". When asked by Milosevic if he toured the site accompanied or alone, Hendrie said that someone had shown him around. He was asked whom and he replied, "I don't know." Hendrie could not explain why his photographs showed only patches of blood and

not pools.

In his previous testimony, the chief forensic pathologist for the ICTY, Eric Baccard, admitted the stiffness and position of the dead bodies was unusual and it was possible they were moved. From the bullet wounds he said it was impossible to tell if they were due to "accident, homicide or an armed conflict."

In one incident Milosevic asked Walker if he knew a Canadian Historian Roly Keith, who had been with NATO for 30 years and was head of the KVM in Kosovo Polje. Walker said he did not and so could not recollect his own head of KVM in Kosovo. The reason for Walker's selective memory was apparent when Milosevic produced a quote from Keith which contradicted Walker's testimony as to the situation in Kosovo. Keith said, "I can testify to the fact that in February and March there was no genocide. When it comes to ethnic cleansing, I was not present nor did I see events which could be characterised as ethnic cleansing. In connection to my previous answer, I wish to state that I was witness to a series of incidents, and most of them were caused by the KLA, for which the security forces aided by the army reacted."

Walker's silences and evasions over the activities of the KLA were again brought out when Milosevic asked if he had read the March 12, 2000 article in the *Sunday Times* entitled, "CIA aided Kosovo guerrilla army". Walker said he had not. The article explained how US intelligence agents helped train the KLA before NATO's bombing of Yugoslavia. The CIA were ceasefire monitors in Kosovo in 1998 and 1999, while they were giving the KLA training manuals and field advice.

The article also questions Walker's role in preparing the way for NATO air strikes. "The American agenda consisted of their diplomatic observers, a.k.a. the CIA, operating on completely different terms to the rest of Europe and the OSCE, said a European envoy." While Walker dismissed claims that he wanted airstrikes, he admitted that the CIA was involved in the countdown to them.

Walker said: "Overnight we went from having a handful of people to 130 or more. Could the agency have put them in at that point? Sure they could. It's their job. But nobody told me". While no proof exists that Walker was a CIA agent, his role was in many respects no different.

The article goes on to say that according to ex-CIA sources, diplomatic observers were "a CIA front, gathering intelligence on the KLA arms and leadership. One agent said: 'I'd tell them which hill to avoid, which wood to go behind, that sort of thing'. Klorin Krasniqi, a New York builder and one of the KLA's largest financiers said: 'It was purely the Albanian Diaspora helping their brothers'."

The article describes how the KLA got round a loophole that permitted sniper rifles to be exported to hunting clubs. Agim Ceku, a KLA commander, had established many contacts during the latter stages of the war through his work in the Croatian army. He said the Croatian army had been receiving help from an American company called Military Professional Resources Inc., whose personnel were in Kosovo at the time.

Walker's testimony was another debacle for The Hague tribunal. Far too much information was released as to the real series of events that led up to the bombing of Serbia in 1999. Whether there was a massacre at Racak will need further study, although sufficient evidence has been shown for any objective observer to err on the side of caution. What is certain is that Walker played a pivotal role in providing NATO with justification for the bombing of Yugoslavia.



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