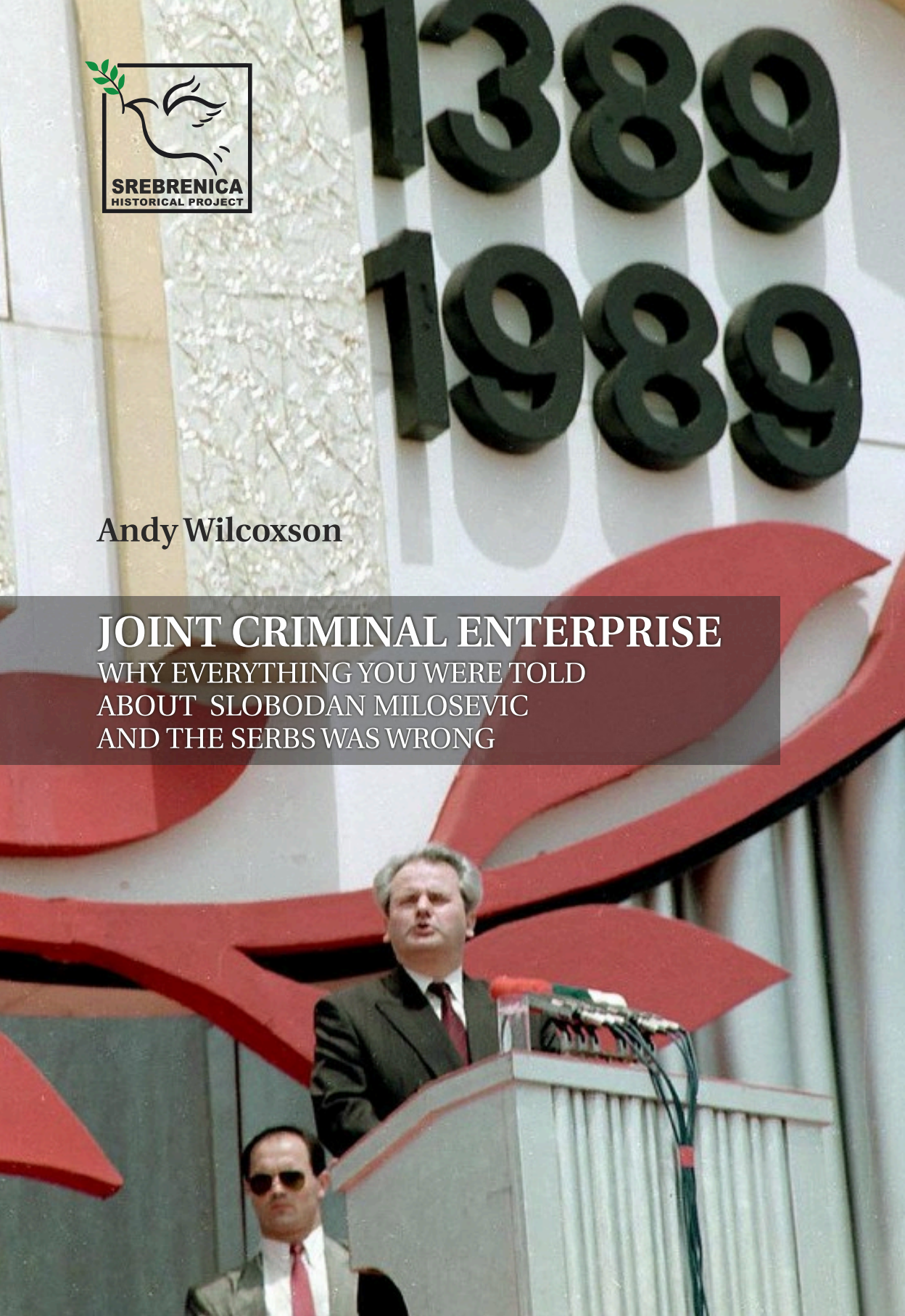




Andy Wilcoxson

# JOINT CRIMINAL ENTERPRISE

WHY EVERYTHING YOU WERE TOLD  
ABOUT SLOBODAN MILOSEVIC  
AND THE SERBS WAS WRONG



**JOINT CRIMINAL ENTERPRISE**  
**WHY EVERYTHING YOU WERE TOLD ABOUT SLOBODAN**  
**MILOSEVIC AND THE SERBS WAS WRONG**

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Slobodan Milosevic Freedom Center, The Hague

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## Publisher's preface

A casual reader of this book would never suspect that its author is not a lawyer or historian but a person with a background in the technical sciences. With remarkable clarity and ample documentation, Andy Wilcoxson calls into question the major postulates of the “received wisdom” about conflicts in Yugoslavia in the 1990s and compellingly proposes an alternative and more factually consistent interpretation of the genesis, course, and consequences of those events.

Many years ago, a philologist friend of mine shared with me her somewhat controversial theories and findings. I noticed her almost systematic avoidance of what passes for contemporary scholarship and preference for scholars from the preceding century, many of whom did not necessarily hold teaching positions at major universities. Her response was that scholars unattached to the principal institutions of learning are less prone to external influences and generally do not have an incentive to compromise the truth for the sake of peer approval or perceived status. In her judgment, that made them more trustworthy. I was not fully convinced by her explanation when I first heard it, but I do see her point better now.

It is difficult to deny that the “father of history,” Herodotus, who also was not a professional, trained, and academic historian, did nevertheless set the standard although his *Histories*, as far as it is known, were never properly peer-reviewed in contemporary academic publications. Still, both substantively and methodologically his work has largely withstood the test of time and remains a viable model of historical inquiry. Time will show, but one suspects that, for a non-lawyer, Andy Wilcoxson’s audaciously titled *Joint criminal enterprise* will also eventually pass all relevant tests, and with flying colors.

This book, in essence, boldly challenges the predominant perception of the events it analyses. Bits and pieces of that narrative have already been challenged by others, but Wilcoxson throws the gauntlet to the whole bowl of wax. The subtitle, “Why everything you were told about Slobodan Milosevic and the Serbs was wrong”, clearly signals that his critique is deliberately intended to be across the board. Anyone, however, expecting to find an ethnically motivated apologist will be sorely disappointed and quickly proved wrong. The author is as American as apple pie, he has no Serbian or Balkan roots, and his motivation consequently is not tribal but purely ethical. As a high school student during the 1990s he witnessed the attribution of full-spectrum guilt for the horrors of the conflict in the Balkans exclusively to one of the contending sides. Initially that piqued his curiosity. But as he delved deeper, it was his sense of justice that eventually became outraged. That culminated with the NATO bombing of Yugoslavia in 1999, ostensibly out of compassion for Koso-

vo. The thought that constantly reverberated in his mind was “why are we heaping such abuse on a people who had never done us any harm?”

That is indeed a very good question. The harm that was inflicted was not just material (ruined buildings and installations can be rebuilt) but primarily moral. It tainted an entire nation with the stigmas of aggression and genocide. That was the cumulative impact of the fake news about the conflict in Yugoslavia that deluged the world at the time it was going on. It crystalized in a false pseudo-historical narrative concocted by corrupt PR agencies hired by the more media savvy actors in the conflict, working in concert with governments pursuing their own selfish geopolitical interests.

Andy Wilcoxson’s study meticulously and calmly deconstructs the principal contours of that mendacious narrative.

Stephen Karganovic,  
Srebrenica Historical Project



# CHAPTER 1

## A Western Myth: Slobodan Milosevic's Nationalistic Ambitions of A "Greater Serbia"

The Western portrayal of Slobodan Milosevic is that of a rabid Serb nationalist hell-bent on creating an ethnically pure "Greater Serbia". Politicians and journalists alike have accused him of "starting four wars" in the Balkans.

The *Los Angeles Times* summed up the typical Western line reporting that "Slobodan Milosevic unleashed four wars in a bloody decade of 'ethnic cleansing' that recast the map of Europe... His sinister nationalism propelled a vicious campaign throughout the 1990s ... His quest for a 'greater Serbia' brought the 20th century to a messy end in Eastern Europe."<sup>1</sup>

New York Newsday's Roy Gutman echoed those claims when he asserted that "Milosevic instigated four wars between 1991 and 1999 in his drive to create a 'greater Serbia' on the ruins of the multiethnic Yugoslav state."<sup>2</sup>

Former US Secretary of State Madeline Albright took her rhetoric a step further when she declared that Milosevic posed a threat to America's national security. She said: "We know that America will never be fully secure if Europe is not stable; that Europe will never be fully stable until its southeast corner is at peace; and that southeast Europe will never be at peace until Slobodan Milosevic - who has now started four wars - is stopped."<sup>3</sup>

Republicans and Democrats alike accuse Milosevic of responsibility for the Balkan wars of the 1990s. Senator John McCain echoed the claims of his Democratic counterparts when he said, "Slobodan Milosevic's regime has started four wars in the last ten years [and] is infamous for its brutal racism."<sup>4</sup>

Some have compared Milosevic with Hitler. An article in the Milwaukee Journal Sentinel opined that "Adolf Hitler and Milosevic were unspeakably vile. Milosevic, wholly without principle, was a moral and political chameleon, faithful to nothing and no one but himself and his own survival and vanity."<sup>5</sup>

With few exceptions, Western politicians, pundits, and journalists recite the same story. They claim that Milosevic's virulent Serb nationalism provoked fear among Yugoslavia's non-Serb population thereby giving birth to secessionist movements in Slovenia, Croatia, Bosnia and later Kosovo.

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<sup>1</sup> "Slobodan Milosevic | 1941 - 2006; Banker, Leader, 'Butcher,' Prisoner," *Los Angeles Times*, March 12, 2006

<sup>2</sup> "A Life in Denial of Truths", *Newsday (New York)*, March 12, 2006

<sup>3</sup> Madeline Albright's Commencement Address at Georgetown University, June 1, 1999

<sup>4</sup> Address by Senator John McCain to the Center for Strategic and International Studies, April 13, 1999

<sup>5</sup> "Slobodan Milosevic; An Architect of Destruction", *Milwaukee Journal Sentinel*, March 15, 2006

According to their story, the fears of the non-Serb population were justified because Milosevic had plans to ethnically cleanse large swaths of Yugoslavia with the aim of creating an ethnically pure “Greater Serbia.”

The Hague Tribunal’s prosecution encapsulated the Western narrative in their motion to fuse the Croatia, Bosnia, and Kosovo indictments into a single trial. They cited the Greater Serbia allegation as the paramount issue in the Milosevic trial.

The prosecution held that “the three indictments were all part of a common scheme, strategy or plan on the part of the accused [Milosevic] to create a ‘Greater Serbia’, a centralized Serbian state encompassing the Serb-populated areas of Croatia and Bosnia and all of Kosovo, and that this plan was to be achieved by forcibly removing non-Serbs from large geographical areas through the commission of the crimes charged in the indictments. Although the events in Kosovo were separated from those in Croatia and Bosnia by more than three years, they were no more than a continuation of that plan, and they could only be understood completely by reference to what had happened in Croatia and Bosnia.”<sup>6</sup>

In order for the Western narrative to hold up two things must be established. First, it must be established that Milosevic actually had a plan, or participated in a plan, to create a Greater Serbia. Secondly, it must be established that Milosevic espoused a nationalistic political agenda capable of inciting fear in the non-Serb population of Slovenia, Croatia, Bosnia, and Kosovo.

## **GREATER SERBIA**

The most significant accusation leveled against Milosevic is that he sought to create a Greater Serbia.

The London Daily Telegraph called the alleged Greater Serbia plan a “hideous creature of Milosevic’s paranoid imagination”<sup>7</sup> while the *Boston Globe* blames the outbreak of war on “Milosevic’s polluted vision of a ‘Greater Serbia’.”<sup>8</sup>

The Financial Times echoed that assertion, claiming that Yugoslavia was ruined by “Mr. Milosevic’s bloody attempts to create a greater Serbia”.<sup>9</sup>

Western politicians have been equally emphatic in their assertions that Milosevic sought a Greater Serbia. In 1999 Bill Clinton referred to “A decade-long campaign by Mr. Milosevic to carve out a greater Serbia [that] left more than a

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<sup>6</sup> “Reasons for Decision on Prosecution Interlocutory Appeal for Refusal to Order Joinder”, ICTY Appeals Chamber (Decision), 18 April 2002, ¶ 8

<sup>7</sup> “The indictment”, The Daily Telegraph (London), June 30, 2001

<sup>8</sup> “Death Deprives World of Watershed Moment”, *The Boston Globe*, March 14, 2006

<sup>9</sup> “Comment & Analysis: Chained to Serbia’s Good Guy: The Serbians are Right to Prefer Vojislav Kostunica to Slobodan Milosevic. But Not All Kosovar Albanians Feel That Way”, *Financial Times* (London), October 30, 2000



quarter of a million people dead, uprooted millions more and undermined the stability of [the] entire region.”<sup>10</sup>

During his testimony against Milosevic at The Hague, Peter Galbraith, the former American ambassador to Croatia claimed that “Slobodan Milosevic was the architect of a policy of creating Greater Serbia”.<sup>11</sup> Galbraith asserted the American government’s view that Milosevic’s objective was to “create a Greater Serbia carved out of most of Bosnia and Herzegovina as well as a sizeable part of Croatia.”<sup>12</sup>

NATO’s former Supreme Commander, Wesley Clark, also referred to Milosevic’s “dreams of a greater Serbia” and his “vision of a greater Serbia” in an editorial that he wrote for The Wall Street Journal in which he compared Milosevic to Hitler.<sup>13</sup>

The legend of “Milosevic’s quest for Greater Serbia” is the keystone of the entire Western narrative on Yugoslavia. Without it the narrative is at a loss to explain what caused war to break out in Yugoslavia.

The majority of the Western media, and most Western political leaders, assert that Slobodan Milosevic sought the creation of a Greater Serbia.

In order to test the accuracy of that assertion one must examine Milosevic’s speeches and his actions to determine whether they coincide with a plan to create a Greater Serbia.

On August 25, 2005, Geoffrey Nice, the lead prosecutor in Milosevic’s trial at The Hague Tribunal, admitted that Milosevic had never espoused a Greater Serbia philosophy in any of his speeches or public statements.

Mr. Nice told the judges: “Had we ever alleged in specific terms that [Milosevic] espoused in philosophical terms Greater Serbia, it would have been probably unwise and probably wrong, because he would have been able to say the words never fell from his lips and nor they did.”<sup>14</sup>

Not only did Milosevic never espouse a Greater Serbia philosophy in his public statements; he actively denied that he was pursuing a Greater Serbia policy.

On August 7, 1991, he had the following exchange with Arnot Van Linden of London’s Sky News. Van Linden asked, “Your opponents claim that you want a Greater Serbia. You claim that this is not so.” Milosevic replied saying, “No, it is not so. We want to keep Yugoslavia and that is all.”<sup>15</sup>

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<sup>10</sup> “Summit Warning to Serbs; The Balkans: After the Kosovo War Democracy is the Key to Prosperity, Regional Countries are Told”, *The Guardian* (London), July 31, 1999

<sup>11</sup> Milosevic Trial Transcript, ICTY, pg. 23081

<sup>12</sup> *Ibid.*, pg. 23123

<sup>13</sup> “A Petty Hitler,” *The Wall Street Journal*, March 16, 2006

<sup>14</sup> Milosevic Trial Transcript, ICTY, pg. 43248

<sup>15</sup> “Text of recorded interview with Slobodan Milosevic, President of the Republic of Serbia, by Arnot Van Linden for British Sky Broadcasting television - in English with superimposed Serbo-Croat translation”, *BBC Monitoring*, August 7, 1991, Source: *Sky Television/Belgrade TV*

On October 9, 1992, Milosevic was interviewed by Radio-Television Serbia and he told the reporter point blank: "The official policy pursued by Serbia has never had this idea of Greater Serbia and, as is known, we have stressed this publicly on several occasions and in the most official way possible. I know that the memory of political events tends to be short, particularly in times of crisis, but it must not be so short as to ignore the fact that it was official Serbian politicians who insisted very categorically that this approach never existed, either as a concept or as a policy we advocated."<sup>16</sup>

On December 16, 1998, Elizabeth Weymouth of the Washington Post interviewed Milosevic and asked, "You never had the program of Greater Serbia in mind?" Milosevic replied, "No. We advocated that Yugoslavia should be preserved and still believe, as I believed then, that South Slavs should have been happy with Yugoslavia instead of separating into five different states. But it was their right to decide and there is no use to be sorry now. We considered that Yugoslavia was a good solution for the national interest of the Serbs, because in the former Yugoslavia all Serbs lived in one state in different republics. But they were in one state. The Muslims were also in one state in former Yugoslavia. The Croats were in one state and Macedonians and others. That was the interest of all, not only of the Serbs."<sup>17</sup>

Although it is plain to see that Slobodan Milosevic did not advocate the establishment of a Greater Serbia in any of his public statements, one must also analyze his actions to determine whether he was being sincere. Only when one establishes that his acts did not coincide with an objective of creating a Greater Serbia can one positively assert that he never had a plan to do so.

One example is the fact that Milosevic supported the Cutileiro Plan for Bosnia. The Cutileiro Plan was agreed to by Bosnia's Serbs, Croats, and Muslims before the war broke out, and it called for Bosnia to be a unified state separate from Serbia.

When Milosevic asked David Owen, the European Union's Special Negotiator for Bosnia, about this fact at his trial, Owen conceded that Milosevic's support for the Cutileiro Plan could be interpreted as "concrete evidence" that he "never believed in Greater Serbia."<sup>18</sup>

Owen confirmed that all of the peace plans Milosevic supported in Bosnia "always had Bosnia-Herzegovina's boundary maintained, the same boundary that had been accepted by the Security Council in May 1992 as the definition of Bosnia-Herzegovina."<sup>19</sup>

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<sup>16</sup> "Text of recording of interview given to Milorad Vucelic, Director-General of Serbian Radio and Television, in Belgrade by Serbian President Slobodan Milosevic," *BBC Monitoring*, October 9, 1992, Source: Radio Television Serbia/Belgrade TV

<sup>17</sup> "Interview of Slobodan Milosevic to the *Washington Post*," Serbian Ministry of Information (Belgrade), December 16, 1998

<sup>18</sup> Milosevic Trial Transcript, ICTY, pg. 28517

<sup>19</sup> *Ibid.*, pg. 28510

What's more, on May 25, 1992, the Yugoslav Assembly passed a special declaration stating that Yugoslavia (Serbia and Montenegro) had no territorial pretensions towards its neighbors, including Bosnia-Herzegovina, and that it would not thwart the admission of the secessionist Yugoslav republics into the international legal system.<sup>20</sup>

Milosevic was not pursuing a Greater Serbia policy in Bosnia; otherwise he would not have supported peace plans that envisioned Bosnia as an independent country separate from Serbia.

Neither did Milosevic attempt to establish a Greater Serbia in Croatia.

On April 1, 1991, Krajina-Serb Prime Minister Milan Babic announced his intention to conjoin the Krajina region of Croatia (where Serbs were the majority population) to Serbia.<sup>21</sup>

Less than two months later, on May 16, 1991, the Krajina-Serb assembly passed a resolution stating that "the territory of Krajina is a part of the state territory of Serbia, whose constitution and laws apply on this territory."<sup>22</sup>

If Slobodan Milosevic were trying to establish a Greater Serbia he would have welcomed such a declaration, but according to Babic (who testified against Milosevic at The Hague) Milosevic wasn't happy with the declaration at all.

Take a look at the following excerpt from Babic's testimony:

PROSECUTOR: Did "the Krajina-Serb decision to join Serbia" provoke a reaction from Belgrade? Did Mr. Milosevic, in particular, react?

BABIC: There was very sharp reaction on Mr. Milosevic's part, and he telephoned through the military base in Bihac, and he called me up in my flat and asked me to deny all this and to have the decision rescinded.

PROSECUTOR: Did he give you - did he give you a reason why he was opposing it? What did he say?

BABIC: He said that we have to come out in favor of Yugoslavia, declare ourselves in favor of Yugoslavia and not in favor of Serbia.<sup>23</sup>

Furthermore, when the Serbian Assembly met on May 29, 1991, they refused to even put the Krajina-Serb proposal on the agenda.<sup>24</sup>

Senior government officials in Serbia rejected the proposal out of hand. Serbian Assembly Vice-President Borivoje Petrovic told reporters that it would be "imprudent" to accept the decision of Krajina to join Serbia.<sup>25</sup>

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<sup>20</sup> "Yugoslav Presidency Denies FRY Involved in Bosnia-Herzegovina Conflict," *BBC Summary of World Broadcasts*; May 27, 1992, Source: Tanjug in Serbo-Croat 1526 gmt 25 May 92

<sup>21</sup> "Krajina Declares It Is Joining Serbia," *The Associated Press*, April 1, 1991

<sup>22</sup> "Croatia in Brief; Krajina Assembly adopts decision to join Serbia," *BBC Summary of World Broadcasts*, May 18, 1991, Source: Yugoslav News Agency in Serbo-Croat 1438 gmt 16 May 91

<sup>23</sup> Milosevic Trial Transcript, ICTY, pg. 13115-13116

<sup>24</sup> "Other Report on Serbian Assembly Session SPO deputies walk out of Serbian Assembly over failure to debate Krajina issue," *BBC Summary of World Broadcasts*, June 1, 1991, Source: Yugoslav News Agency in Serbo-Croat 1527 gmt 29 May 91

Milosevic's words and deeds contradict the assertion that he sought a Greater Serbia.

James Bisset, who served as Canada's ambassador to Yugoslavia, put it best when he testified at the Milosevic trial. He said, "The idea that Serbia or [Milosevic] entered into any sort of criminal conspiracy to establish a Greater Serbia is pure fantasy."<sup>26</sup>

## NATIONALISM

Aside from false claims that Milosevic's attempts to create a Greater Serbia unleashed war in the Balkans, the second most serious allegation is that he destroyed Yugoslavia by inciting Serbian nationalism with his "fiery speeches" and "nationalistic outbursts".

*The Houston Chronicle* called Milosevic "the political patron of Serbian nationalism"<sup>27</sup> and *The Washington Post* asserted that "Milosevic unleashed the demons of nationalism in Yugoslavia."<sup>28</sup>

Not to be outdone, *The New York Times* claimed that "Slobodan Milosevic's embrace of Serbian nationalism set off almost a decade of Balkan warfare" and to ensure that their readers got the message they printed a photo of Milosevic, along with a caption reading "The Nationalist: His nationalist dreams plunged the Balkans into war."<sup>29</sup>

*The Christian Science Monitor* alleged that "The Serb nationalism that Slobodan Milosevic incited in order to cling to power led to Yugoslavia's demise."<sup>30</sup> And Britain's Sunday Business Post reported that "Milosevic's embrace of extreme nationalism" along with his "cynical manipulation of nationalistic fervor ... created millions of victims of murder, war and ethnic cleansing."<sup>31</sup>

According to the Western narrative, Milosevic's "Serb nationalism" destroyed Yugoslavia because it incited fear and provoked secessionist movements in the other Yugoslav republics.

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<sup>25</sup> "Other Reports on Serbia; Serbian Assembly Vice-President warns against Krajina joining Serbia," *BBC Summary of World Broadcasts*, June 6, 1991, Source: Yugoslav News Agency in English 2218 gmt 31 May 91

<sup>26</sup> Milosevic Trial Transcript, ICTY, pg. 48776

<sup>27</sup> "Serbia's Milosevic builds cult of personality; Leader of people and army 'understands only violence'," *The Houston Chronicle*, December 27, 1992

<sup>28</sup> "New Talks on an Old Agenda: Bosnia's Future; Leaders of Serbia, Croatia Meet Today With President of Land They Covet," *The Washington Post*, November 01, 1995

<sup>29</sup> "Slobodan Milosevic, 64, Former Yugoslav Leader Accused of War Crimes, Dies," *The New York Times*, March 12, 2006

<sup>30</sup> "Yugoslavia Is History," *Christian Science Monitor* (Boston), February 4, 2003

<sup>31</sup> "The Iron Grip of Milosevic Mafia Finally Crumbles," Sunday Business Post (Ireland), March 19, 2006

The *London Guardian* told its readers that “[Milosevic’s] strident Serbian nationalism drove three Yugoslav republics - Croatia, Slovenia and Macedonia - to secede in 1991”<sup>32</sup>

The *New York Times* tells us that “Mr. Milosevic bears chief blame for the bloodletting [because] he whipped up Serbian nationalism, driving out [the] other [Yugoslav] republics.”<sup>33</sup>

Similar claims were printed in the *London Independent*, which reported that “Milosevic’s nationalistic campaign terrified the other Yugoslav republics, who feared rampant Serb nationalism would wreck the fragile power balance that the late President Tito bequeathed.”<sup>34</sup>

The *Toronto Star* claims that “the rise of [Milosevic], an avid and unapologetic Serbian nationalist alarmed everyone else in the Yugoslav federation ... Slovenes, Croats, Macedonians, Albanians and others began looking for an exit.”<sup>35</sup>

The *Financial Times* claims that “[Milosevic] ruthlessly exploited the political potential of nationalism... responding to mounting Serb nationalism, Slovenia, Croatia and Macedonia in 1991 declared independence. Muslims and Croats tried to do the same in Bosnia.”<sup>36</sup>

The allegation that Milosevic was a Serb nationalist has been repeated ad nauseum in the West. There is an overwhelming unanimity of opinion that Milosevic’s nationalism the driving factor behind the destruction of Yugoslavia.

The Western narrative asserts that Milosevic’s “virulent Serbian nationalism” terrified the non- Serb population and provoked them to secede from Yugoslavia. But what if Milosevic wasn’t a Serb nationalist? What would happen to the Western narrative then?

If Milosevic wasn’t a Serb nationalist then one could not claim that the secessionist movements in Slovenia, Croatia, Bosnia, and Kosovo were provoked by his “Serbian nationalism.”

Allegations of Milosevic’s nationalism are rarely accompanied by evidence. For the most part Western journalists and politicians don’t even attempt to support their claims with evidence.

However, there are two events that are frequently cited as proof of Milosevic’s nationalism. The first event is his visit to Kosovo Polje on April 24, 1987, and the second event is a speech that he gave on June 28, 1989 at the commemoration of the 600th anniversary of the battle of Kosovo.

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<sup>32</sup> “Obituaries: Slobodan Milosevic Ruthlessly brutal Serbian leader who presided over the bloody disintegration of Yugoslavia,” *The Independent* (London), March 13, 2006

<sup>33</sup> “What if Bosnia Had Oil?,” *The New York Times*, April 23, 1992

<sup>34</sup> “Milosevic On Trial: Fall of A Pariah,” *The Independent on Sunday* (London), July 1, 2001

<sup>35</sup> “From Conformist to Ruthless Tyrant,” *The Toronto Star*, March 12, 2006

<sup>36</sup> “Serbian Leader Who Bore Most Responsibility for the Bloody Break-Up of Yugoslavia - Obituary Slobodan Milosevic,” *Financial Times* (London), March 13, 2006

Jeffrey Fleishman of the *Los Angeles Times* claimed that “On April 24, 1987, Milosevic found the voice that would propel his political ascent. As a Communist Party leader, Milosevic traveled to Kosovo to lend support to minority Serbs complaining of abuses by the majority population of ethnic Albanians. During his meeting, Serbs clashed with local police and Milosevic stepped outside and proclaimed, ‘No one should dare to beat you.’”<sup>37</sup>

New York Times carried a similar report by Roger Cohen which read: “‘Nobody should dare to beat you,’ Mr. Milosevic declared in Kosovo on April 24, 1987, to thunderous cries of ‘Slobo’ from the Serbian crowd ... the words had a ring to them and set a bloody tide in motion.”<sup>38</sup>

Daniel Williams and R. Jeffrey Smith of the Washington Post parroted the same line claiming that “One phrase, delivered in 1987 ... set [Milosevic’s] career on a path of destruction. ‘No one will ever beat you again,’ he told a throng of Serbs who were complaining that the majority ethnic Albanians in [Kosovo] were persecuting them.”<sup>39</sup>

The coverage in Western Europe was almost exactly the same as the coverage in the US. An article by Brendan Simms in London’s Sunday Times reported that: “In 1987, in an impromptu televised address that made his reputation overnight, Milosevic promised Serbian demonstrators in Kosovo that ‘no one [will] dare to beat you again’.”<sup>40</sup>

Other European papers ran similar stories. An article in *The Sun* said, “The real turning point [in Milosevic’s career] came in 1987, when he visited the Albanian-majority province of Kosovo to deal with protesting Serbs. Instead of seeking to calm them, he told them: ‘Nobody shall dare to beat you. We shall win.’”<sup>41</sup>

The *Irish Times* gave a similar account. They reported that “Milosevic rose to power on the back of a single, extraordinary event, 19 years ago in a place called Kosovo, a province in what was then the communist state of Yugoslavia. Milosevic, then a Communist official, was dispatched there to order Serbs and Albanians to stop squabbling in the interests of socialism. But instead of praising communism, he came to Kosovo to bury it: standing on the balcony of a meeting house, he told the Serbs: ‘Nobody should dare beat you.’”<sup>42</sup>

The wire services reported in lock-step with the newspapers. *The Associated Press* claimed that “Milosevic first made his mark in this southern Serb province on a visit to Kosovo Polje in 1987 to hear Serb complaints of abuses by the

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<sup>37</sup> “Slobodan Milosevic | 1941 - 2006; Banker, Leader, ‘Butcher,’ Prisoner,” *Los Angeles Times*, March 12, 2006

<sup>38</sup> “To His Death in Jail, Milosevic Exalted Image of Serb Suffering,” *The New York Times*, March 12, 2006

<sup>39</sup> “Crusader for Serb Honor Was Defiant Until the End; As a Leader and a Defendant, Milosevic Exuded Pride and Rage,” *The Washington Post*, March 12, 2006

<sup>40</sup> “The Butcher is Dead,” *Sunday Times* (London), March 12, 2006

<sup>41</sup> “Mad Tyrant Took Bloody Path to Top,” *The Sun* (London), October 6, 2000

<sup>42</sup> “Tyrant Who Turned the Balkans Into A Bloodbath,” *The Irish Times*, March 13, 2006

ethnic Albanian majority. In a fiery speech, he told the Serbs, 'No one should dare to beat you.'<sup>43</sup>

Agence France Presse reported events exactly the same way. According to their account, On April 24, 1987 Milosevic "was summoned to help calm a crowd of Kosovar Serbs protesting mistreatment by the province's Albanian majority. As riot police beat back the throng, Milosevic was anything but calming. 'No one has the right to beat you. No one will ever beat you again,' he raged from a platform. The Serb battle cry was born and ethnic hatreds that had been welling up since Tito's death in 1980 were unleashed."<sup>44</sup>

The Hague Tribunal also used this event to accuse Milosevic of nationalism. Paragraph 76 of the Kosovo indictment asserts that Milosevic "endorsed a Serbian nationalist agenda" on that occasion.

However, in the courtroom, the prosecution was far less certain of their indictment's assertion. During his opening statement the lead prosecutor, Geoffrey Nice, rhetorically asked, "Was the accused a nationalist? Maybe; maybe not. In the same way as he most probably was not in any way a racist."<sup>45</sup>

While it is an uncontested fact that Milosevic visited Kosovo Polje on April 24, 1987 to hear citizens' concerns about the effects of violent Albanian nationalism in Kosovo, it is not true that he used the occasion to promote Serbian nationalism.

Milosevic did make a speech on that occasion. His speech was videotaped, and the tape was played at The Hague Tribunal on Tuesday, January 25, 2005.

Milosevic is seen on the videotape doing exactly the opposite of what he is accused of. He said: "I know that the vast majority of those who are present here and those outside of it will side with me on this, that we must not allow such gatherings of citizens to be abused by nationalists. All honest people have to stand up against this, because we must guard our brotherhood and unity like the apple of our eye. This is the only way. Especially nowadays when the brotherhood and unity are threatened. We must and we can win.

"We neither wish nor we can classify people into Serbs and Albanians, but we should distinguish among the honest and progressive people fighting for brotherhood and unity and national equality on the one hand and nationalists and counter-revolutionaries on the other hand. If we do not create and strengthen that front, Comrades, then there will be no Kosovo, no Serbia, and no Yugoslavia either."<sup>46</sup>

As the videotape of his speech makes perfectly clear, he did not incite ethnic nationalism he denounced it.

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<sup>43</sup> "Kosovo Serbs Remain Loyal to Milosevic," *The Associated Press*, September 25, 2000

<sup>44</sup> "Milosevic: Bully Firebrand Who Became 'Butcher of the Balkans'," Agence France Presse - English, March 19, 2006,

<sup>45</sup> Milosevic Trial Transcript, ICTY, pg. 28

<sup>46</sup> Ibid., pg. 35671

As for Milosevic's alleged statement that "nobody will dare beat you again!" this is a mistranslation of his words and that was videotaped too.

Milosevic made the statement outside of the building where the meeting was being held, and contrary to the media's assertions he was not standing on a platform or a balcony, nor was he shouting, nor was he addressing the crowd or making a speech, nor did he use the words "dare" or "again".

Unrest had broken out because the turnout for the meeting was much larger than anticipated. Between 10,000 and 15,000 Kosovo residents turned out to voice their concerns, but there was only enough room for 300 people in the meeting hall.

The police tried to clear the crowd away from the meeting hall by beating them with truncheons, and the crowd responded to the abuse by throwing stones at the police. All told the unrest lasted for about 10 minutes. In order to bring the situation under control Azem Vllasi, the President of the Kosovo League of Communists (and an ethnic Albanian), asked Milosevic to go outside to see if he could calm the crowd down.

Mitar Balevic, a local official who had helped organize the meeting, followed Milosevic outside and can be seen on the videotape standing next to him.

When Balevic testified at The Hague in 2005, he described the event. He said, "there was a huge racket, cries and shouts of Yugoslavia, the singing of the hymn, people shouting, 'We want freedom,' and the first people who came up to [Milosevic] said 'We are being beaten, President.' And [Milosevic] answered that little group around [him], 'They must not. They must not beat you.'"<sup>47</sup>

Balevic's memory of events was borne out when the videotape of the event was played at the Tribunal on Wednesday, February 9, 2005. It is absolutely clear from the tape that Milosevic wasn't addressing the crowd or making a speech when he made the now infamous remark. He was responding to a small group of people who complained that the police had beaten the protesters.

Because Milosevic was not speaking into a microphone, or addressing the camera, the court interpreters complained that the audio on the tape was difficult to make out, but their best interpretation of Milosevic's words was "You will not be beaten."<sup>48</sup>

It is interesting to note that this videotape came from a BBC program entitled "The Death of Yugoslavia". The subtitles on that video falsely ascribe the words "Nobody will beat you again!" to Milosevic.

The Tribunal's interpreters, on the other hand, translated the statement directly from the audio on the tape. They explicitly stated that the word "again" never fell from Milosevic's lips, nor was the word "dare" ever mentioned.<sup>49</sup>

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<sup>47</sup> Milosevic Trial Transcript, ICTY, pg. 35654

<sup>48</sup> Ibid., pg. 35947

<sup>49</sup> Ibid.



When Milosevic told that small group of people “You will not be beaten” he was not inciting nationalism, he was reassuring people who had just been beaten - that they weren’t going to be beaten any further. It was a perfectly logical thing to say under the circumstances.

When Milosevic addressed the crowd, he did not incite nationalism, he told them to go home. He is seen on the videotape telling the crowd, “Comrades, we have to work to hear out all your delegates. Under the circumstances, we will be discussing what you have entrusted your people to say. Do, however, allow us to hold a meeting, not a rally. There will be no use from any rallies. But we can agree about a meeting.”<sup>50</sup>

Milosevic’s 1989 speech at the commemoration of the 600th anniversary of the battle of Kosovo is the other event that the Western narrative cites as proof of his nationalism.

According to an article written by Emma Daley for *The London Independent*, Milosevic “first won international notoriety for a viciously nationalistic speech in Kosovo Polje, near Pristina, in 1989”.<sup>51</sup>

John F. Burns of *The New York Times* says the speech struck fear in the hearts of Yugoslavia’s non-Serb population. He reported that “Mr. Milosevic, as Serbia’s Communist Party chief, had little popular following. But after he traveled to Kosovo in 1989 and made a fiery speech about the rights of Serbs, he unleashed a wave of nationalist feeling. Fear of this resurgent nationalism fueled independence movements in four of the other five Yugoslav republics, which had no desire to trade a Communist yoke for a Serbian one.”<sup>52</sup>

An article in the *San Francisco Chronicle* said, “In June 1989 Slobodan Milosevic delivered his celebrated speech in Kosovo calling for Serbian rights - igniting the most virulent nationalist firestorm to sweep Europe in half a century. The flames burned their way through Croatia and Bosnia, before they returned to the countryside where they were lit by Milosevic.”<sup>53</sup>

So what did Milosevic say that unleashed no less than “the most virulent nationalist firestorm to sweep Europe in half a century”?

The *London Guardian* reported that Milosevic told Serbs “to prepare for war”<sup>54</sup> and Scott Peterson of *The Christian Science Monitor* told his readers that he “spoke of the ‘talismanic power’ of nationalism, and the need to fight for ‘Greater Serbia’”.<sup>55</sup>

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<sup>50</sup> Ibid., pg. 35660 - 35661

<sup>51</sup> “Kosovo Waits for Explosion in the Hills,” *The Independent* (London), February 28, 1999

<sup>52</sup> “Conflict in the Balkans; Serbia’s Enigma: An Aloof Leader Who Stoked Fires of Nationalist Passion,” *The New York Times*, December 22, 1992

<sup>53</sup> “Kosovo Crisis Serves as Model of Wars to Come; NATO has Prepared, Trained for Such Conflicts for Years,” *The San Francisco Chronicle*; April 7, 1999

<sup>54</sup> “Obituary: Slobodan Milosevic: Ruthless Manipulator of Serbian Nationalism Who Became the Most Dangerous Man in Europe,” *The Guardian* (London), March 13, 2006

<sup>55</sup> “For Milosevic: A Day of Reckoning,” *Christian Science Monitor* (Boston), April 2, 2001

Here is what Milosevic actually said in his speech: "Serbia has never had only Serbs living in it. Today, more than in the past, members of other peoples and nationalities also live in it. This is not a disadvantage for Serbia. I am truly convinced that it is its advantage. National composition of almost all countries in the world today, particularly developed ones, has also been changing in this direction. Citizens of different nationalities, religions, and races have been living together more and more frequently and more and more successfully."

Milosevic used the speech to stress the need for ethnic equality in Yugoslavia. He said: "Yugoslavia is a multinational community and it can survive only under the conditions of full equality for all nations that live in it (...) Equal and harmonious relations among Yugoslav peoples are a necessary condition for the existence of Yugoslavia and for it to find its way out of the crisis and, in particular, they are a necessary condition for its economic and social prosperity."

Milosevic also warned against ethnic nationalism. He said: "The crisis that hit Yugoslavia has brought about national divisions, but also social, cultural, religious and many other less important ones. Among all these divisions, nationalist ones have shown themselves to be the most dramatic. Resolving them will make it easier to remove other divisions and mitigate the consequences they have created."

"For as long as multinational communities have existed, their weak point has always been the relations between different nations. The threat is that the question of one nation being endangered by the others can be posed one day - and this can then start a wave of suspicions, accusations, and intolerance, a wave that invariably grows and is difficult to stop. This threat has been hanging like a sword over our heads all the time. Internal and external enemies of multi-national communities are aware of this and therefore they organize their activity against multinational societies mostly by fomenting national conflicts."

The only thing he said that could even remotely be considered threatening is this: "Six centuries later, now, we are being again engaged in battles and are facing battles. They are not armed battles, although such things cannot be excluded yet. However, regardless of what kind of battles they are, they cannot be won without resolve, bravery, and sacrifice, without the noble qualities that were present here in the field of Kosovo in the days past. Our chief battle now concerns implementing the economic, political, cultural, and general social prosperity, finding a quicker and more successful approach to a civilization in which people will live in the 21st century. For this battle, we certainly need heroism, of course of a somewhat different kind, but that courage without which nothing serious and great can be achieved remains unchanged and remains urgently necessary." <sup>56</sup>

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<sup>56</sup> Speech by Slobodan Milosevic, Delivered to 1 Million People at the Central Celebration Marking the 600th Anniversary of the Battle of Kosovo on 28 June, 1989. Transcript Compiled by the National Technical Information Service of the Department of Commerce of the United States

Of course, Milosevic made it perfectly clear that he was speaking of a battle to implement “economic, political, cultural, and general social prosperity”, but he did say that that armed battles “cannot be excluded.”

Why couldn’t armed battles be excluded? They could not be excluded because Croatian secessionist groups had been carrying out armed attacks both inside and outside of Yugoslavia since the 1970s, and Kosovo-Albanian secessionists had been carrying out violent attacks in Kosovo throughout the 1980s. So, when he made the speech in 1989, armed clashes could not be ruled out because they were already happening.

The Western media, politicians, and our so-called “intellectuals” - almost all of them got it wrong. They got it wrong when they accused him of nationalism for his 1987 speech in Kosovo Polje, and they got it wrong again when they accused him of making a nationalistic speech in 1989. In neither speech did he incite nationalism, on the contrary he forcefully spoke out against it.

If you can’t believe that so many well-respected Western sources would all lie, the complete transcripts from both of these speeches printed in the appendix of this book and you can read them for yourself.<sup>57</sup>

Milosevic consistently denounced nationalism throughout his political career. In 1991, just prior to the outbreak of war, he rebuked the Serbian Assembly for remarks that certain opposition MPs had made against members of other Yugoslav ethnicities.

In a statement to the Serbian Assembly Milosevic said: “I would like to say immediately that I am personally not bothered by the critical remarks about my speech. However, what bothered me greatly in the debate, actually only in certain speeches, were some general accusations at the expense of other nations Slovenes, Croats, Muslims and others. This bothered me because of truth and justice and also because of the fact that Serbia, its citizens and the Serbian people do not wish to realize their interests at the expense of any Yugoslav people, or against them. The Yugoslav crisis can only be resolved by respecting the principle of national equality and I believe that any other approach cannot have any future.”<sup>58</sup>

Once the war broke out in Bosnia Milosevic continually stressed that equality among Bosnia’s ethnic groups was the only way to solve the conflict. In 1992 he told Radio-Television Serbia “I would like to remind you that from the very beginning we have been striving for the crisis in Bosnia-Herzegovina and relations in it to be regulated on the basis of consensus and equality of all three nations. We even said before all this that to help such a process and such a principled approach we would respect any solution that these three peoples reached on an equal footing. This is the beginning and the end. I do not see any other solution. I do not see any other solution to this agony in Bosnia-Herzegovina other than for hostilities to stop immediately and for the confer-

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<sup>57</sup> See Appendix I

<sup>58</sup> “Text of Live Relay of Speech by Slobodan Milosevic” *BBC Summary of World Broadcasts*, Source: Belgrade Home Service 1649 gmt 5 Jun 91

ence that was in fact based on this principle of equality and consensus of the three constituent nations to resume immediately.”<sup>59</sup>

After the wars in Croatia and Bosnia ended Milosevic was still stressing the principle of ethnic equality. In 1998 he told Washington Post reporter Elizabeth Weymouth that “Bosnia was resolved in Dayton only because the formula was reached to equally protect the interests of all three peoples living there. That was our approach since the beginning of the crisis in Bosnia. You can see the papers from that period and see that. Since the beginning of crisis in Bosnia, our approach was that there is only one formula, which can bring peace, and that is the formula which will equally protect the interests of all three peoples - Serbs, Muslims and Croats. So, that was achieved in Dayton.”<sup>60</sup>

When it came to Kosovo, Milosevic held exactly the same views as he did for Bosnia and Croatia. During the same interview he said, “The approach of the Serb government and all political parties and citizens of Serbia is that [the] nationalities living [in Kosovo] have to be equal. So, when we speak of the solution to the problem of Kosovo [it] can be resolved only on the basis of the principle of equality of all citizens living in Kosovo and all national communities living in Kosovo.”<sup>61</sup>

Even during the 1999 NATO bombing campaign against Serbia he maintained his view that ethnic equality was the only way to solve the Kosovo crisis. On April 21, 1999, he told an American television station, “Our approach, from the very beginning of the talks, was that the problem of Kosovo and Metohija could be solved on the basis of the principles of equality for all citizens living in the region and equality for all national communities living in the region. So, our approach is multiethnic, multicultural, multireligious and insists on equality of national communities. No matter how many of them there might be.”<sup>62</sup>

Webster’s dictionary defines nationalism as “loyalty and devotion to a nation; especially: a sense of national consciousness exalting one nation above all others and placing primary emphasis on promotion of its culture and interests as opposed to those of other nations or supranational groups.”

Milosevic’s belief in ethnic equality was the antithesis of nationalism. If he were a nationalist, then he would have insisted that the interests of the Serbian people be placed above those of others.

In all of Milosevic’s speeches, and in all of his public statements, he never said anything that could even remotely be construed as racist or nationalistic. The proposition that the secessionist republics left Yugoslavia because of fear provoked by his “Serbian nationalism” is demonstrably false.

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<sup>59</sup> “Milosevic Interviewed on Pressures Facing FRY and Good Prospects for New State,” *BBC Summary of World Broadcasts*, Source: Radio Television Serbia in Belgrade, May 28, 1992

<sup>60</sup> “Interview of Slobodan Milosevic to the Washington Post,” Serbian Ministry of Information (Belgrade), December 16, 1998

<sup>61</sup> *Ibid.*

<sup>62</sup> “Interview of Slobodan Milosevic to KHOU TV,” Transcript published by Serbian Ministry of Information (Belgrade), April 21, 1999

## CHAPTER 2

### Separatism, War, and Nationalism in Slovenia

From 1918 until 1991 Slovenia was a republic in the country of Yugoslavia. It was part of Yugoslavia in much the same way as California is part of the United States.

On June 25, 1991, Slovenia announced its secession from Yugoslavia, triggering a brief war that lasted roughly 10 days. The Slovene conflict had the fewest casualties of all the Yugoslav wars. On the Slovene side 18 lost their lives and 182 were wounded. On the Yugoslav side 44 were killed and 146 were wounded.

In spite of its low casualty figures, the Slovene conflict was not without its war crimes. Slovenia has the dubious distinction of committing the first war crime of the Yugoslav crisis of the 1990s.

The Austrian public broadcaster, ORF, filmed Slovene troops at the Holmec border crossing on June 28, 1991. The video shows a group of Yugoslav soldiers walking slowly with raised hands, holding up a white sheet in an attempt to surrender to the Slovene troops. Moments later, gunfire is heard, and the Yugoslav soldiers are seen falling to the ground.

On May 21, 2003, during his trial at The Hague Tribunal, Slobodan Milosevic confronted Slovene president Milan Kucan with the evidence of this crime. Kucan attempted to deny the incident, but when confronted with overwhelming evidence he was forced to concede that he was wrong. Kucan said, "I asserted that these soldiers were not killed and executed as prisoners of war, but unfortunately, they were executed."<sup>63</sup>

The Western narrative asserts that Slobodan Milosevic started the war in Slovenia. *The New York Times* summed up the typical Western line when it reported that "[Slobodan] Milosevic started four wars, Slovenia was the site of the first."<sup>64</sup>

The assertion that Milosevic started the war in Slovenia, although common in the West, is simply wrong.

Warren Zimmermann was the American ambassador to Yugoslavia when Slovenia seceded in 1991. In an article published by the magazine *Foreign Affairs*, Zimmermann wrote: "Contrary to the general view, it was the Slovenes who started the war. Their independence declaration, which had not been preceded by even the most token effort to negotiate, effectively put under their control all the border and customs posts between Slovenia and its two neighbors, Italy and Austria. This meant that Slovenia, the only international gateway be-

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<sup>63</sup> Milosevic Trial Transcript, ICTY, pg. 20934

<sup>64</sup> "The Trial of Slobodan Milosevic," *The New York Times*, February 11, 2002

tween the West and Yugoslavia, had unilaterally appropriated the right to goods destined for other republics, as well as customs revenues estimated at some 75 percent of the Yugoslav federal budget.”<sup>65</sup>

Slovenia’s independence declaration was illegal. It was annulled and ruled to be “unconstitutional in its entirety” by the Constitutional Court of Yugoslavia.<sup>66</sup>

Slovenia’s unilateral secession violated Article 5 of the Yugoslav constitution, which read as follows:

“The territory of the Socialist Federal Republic of Yugoslavia is a single unified whole and consists of the territories of the Socialist Republics. The territory of a Republic may not be altered without the consent of that Republic, nor the territory of an Autonomous Province without the consent of that Autonomous Province. The territory of the Socialist Federal Republic may not be altered without the consent of all Socialist Republics and Autonomous Provinces. Boundaries between the Republics may only be altered on the basis of mutual agreement; and, if the boundary of an Autonomous Province is involved, on the basis of the latter’s agreement.”<sup>67</sup>

When Slovenia seceded, it did not obtain the constitutionally mandated “consent of all Socialist Republics and Autonomous Provinces.” Slovenia made the decision to secede unilaterally, and as such, it altered Yugoslavia’s borders without the consent of the rest of the country.

On June 25, 1991, the day Slovenia declared independence from Yugoslavia, its prime minister, Lojze Peterle, announced that Slovenia would take over Yugoslav border crossings from Italy, Austria and Hungary and that signs bearing the name Yugoslavia would be taken down and replaced by signs welcoming travelers to Slovenia.<sup>68</sup>

The very next day, Slovenia seized control of federal Yugoslav border posts, and set up eight new border checkpoints on the Croatian border.

In response to Slovenia’s unlawful seizure of its border posts, the Yugoslav government ordered the army to retake control of the state border in Slovenia.

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<sup>65</sup> Warren Zimmermann, “The Last Ambassador: A Memoir on the Collapse of Yugoslavia,” *Foreign Affairs* (New York), March 1995 Vol. 74, Iss. 2

<sup>66</sup> “Other Reports on Slovenia; Yugoslav Constitutional Court Annuls Slovenia’s Declaration of Independence,” *BBC Summary of World Broadcasts*, October 12, 1991, Source: Yugoslav News Agency in English 1749 gmt 9 Oct 91

<sup>67</sup> Constitution of the Socialist Federal Republic of Yugoslavia, 1974

<sup>68</sup> “Yugoslav Premier in Plea to Republics,” *The New York Times*, June 25, 1991

## THE ACTIVATION OF THE YUGOSLAV PEOPLES' ARMY (JNA) IN SLOVENIA

Slovenia provoked the war by illegally proclaiming its secession and forcibly seizing federal border posts. The idea that Milosevic started the war can be dismissed out of hand.

Unfortunately, there is some confusion about who ordered the Yugoslav People's Army (JNA) into action in Slovenia. The *Toronto Star* told its readers that when "Slovenia declared independence from Yugoslavia, Milosevic sent tanks to Slovenia's borders, triggering a brief war that ended in Slovenia's secession."<sup>69</sup>

The *Toronto Star* is by no means alone in that assertion, but like so many other Western news outlets its facts are wrong. Milosevic did not order tanks to Slovenia's borders. Milosevic could not order tanks anywhere because he had no authority over the army. Milosevic was the President of Serbia. The army was subordinated to the federal government of Yugoslavia, not to the government of Serbia.

The man who ordered the JNA into action against the Slovenes wasn't a Serb. Ante Markovic, a Croat, was the President of Yugoslavia's Federal Executive Council (FEC), and he ordered the army to retake the border.

In 1991, as the events were unfolding, the Western media was well aware of this fact. During the war the Associated Press accurately reported that "Federal Premier Ante Markovic's government ordered the army to take control of Slovenia's borders."<sup>70</sup>

On June 27, 1991 the BBC Monitoring Service, in its daily summary of world news, published the full text of Markovic's orders. The orders called for the Yugoslav People's Army and the Federal Secretariat for Internal Affairs to "directly take over" and "control services" at Yugoslavia's federal border crossings in the Republic of Slovenia.<sup>71</sup>

On October 23, 2003, Markovic was at The Hague Tribunal to testify against Milosevic. One of the exhibits used during his testimony was Prosecution Exhibit 427, Tab 6, which was a transcript of a Yugoslav presidency session, held on August 21, 1991. Milosevic, Kucan, and Markovic all attended the meeting along with other senior Yugoslav officials.

Far from starting a war with Slovenia, Milosevic is on record opposing the use of force against Slovenia. According to the transcript, Milosevic was critical of Markovic's use of the army.

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<sup>69</sup> "From Conformist to Ruthless Tyrant," *The Toronto Star*, March 12, 2006

<sup>70</sup> "Did Yugoslav Military Get Out of Hand?," *The Associated Press*, June 29, 1991

<sup>71</sup> "FEC Says Federal Army and Police to Take Over Slovenia's Borders," *BBC Summary of World Broadcasts*, June 27, 1991, Source: Tanjug in Serbo-Croat 0129 gmt 26 Jun 91 (See Appendix II for full text.)

Milosevic told Markovic, "On the basis of this approach, you began the war in Slovenia. About customs, dues, and borders, customs mostly."<sup>72</sup>

Slovene President Milan Kucan accused Markovic and the Federal Executive Council of starting the war in Slovenia. According to the transcript, he told Markovic: "I don't have to convince you that you're not going to find a single man in Slovenia ... who would go back to the Federal Executive Council ... It is a Federal Executive Council which we all know about in Slovenia and we know that it began the war in Slovenia."<sup>73</sup>

When Kucan testified at The Hague, on May 21, 2003, he verified the accuracy of that transcript. In particular he verified the accuracy of the passage quoting him as saying that the Federal Executive Council "began the war in Slovenia".<sup>74</sup>

The war in Slovenia was between the Yugoslav People's Army (JNA) on one side, and Slovene paramilitary troops on the other. Ante Markovic, as the President of the Federal Executive Council, ordered the JNA to retake the border crossings that Slovenia had illegally seized.

Slobodan Milosevic was the President of Serbia and did not have a single soldier under his command.

## **THE ORIGINS OF SLOVENIA'S SEPARITIST MOVEMENT**

When Josip Broz Tito, Yugoslavia's communist leader, died in 1980 he left behind a national debt of nearly 18 billion dollars, a substantial sum for a country of 22 million people with an annual per capita income of only \$2,140.<sup>75</sup>

Already deeply in debt and strapped for cash, the communists attempted to spend their way out of the economic crisis, and in the early 1980s Yugoslavia turned to the International Monetary Fund (IMF) for help. The IMF agreed to issue stand-by credits, and in exchange Yugoslavia agreed to implement a series of tough austerity programs which called for, among other things, a sharp devaluation of Yugoslavia's currency.<sup>76</sup>

During 1980-81 the Yugoslav dinar was devalued by more than 30% marking a sharp increase in Yugoslavia's already high rate of inflation.<sup>77</sup>

Unfortunately, the plan to borrow and spend their way to prosperity didn't work, and by the beginning of 1985 Yugoslavia was in serious economic trouble. It had to repay 3.45 billion dollars to the IMF, but it only had \$700 million on hand.

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<sup>72</sup> Milosevic Trial Transcript, ICTY, pg. 28075, Prosecution Exhibit 427, Tab 6

<sup>73</sup> Ibid. pg. 28076, Prosecution Exhibit 427, Tab 6

<sup>74</sup> Milosevic Trial Transcript, ICTY, pg. 20909

<sup>75</sup> "Market Socialism After Tito," *The Economist* (UK), February 7, 1981

<sup>76</sup> "Critics Speak Out Over Yugoslav Austerity Policy," *Financial Times* (London), September 21, 1984

<sup>77</sup> "A Harsh Dose of Austerity to Fight Inflation," *Business Week*, April 27, 1981



The solution: borrow the money needed to repay the IMF from the IMF. The IMF was happy to play along with the scheme and agreed to extend more standby credits in exchange for more austerity programs. These programs forced Yugoslavia to abandon the communist practice of price freezing. After meeting with IMF representatives in Paris Yugoslavia's Finance Minister, Zivorad Kovacevic, told London's Financial Times, "The time of price freezes is definitely over."<sup>78</sup>

Unfortunately, the plan to repay the IMF with its own money didn't work either. With government price controls gone, Yugoslavia's annual inflation rate reached a staggering 116.6% by 1987.<sup>79</sup> Many Yugoslavs lost everything.

Following the Second World War, the communists spent vast sums of money building factories and infrastructure in Slovenia. As such, Slovenia was the most economically developed region in Yugoslavia, and for that reason it was required to subsidize economic development in poorer and less-developed parts of the country.

By the mid-1980s, unemployment was approaching 50% in some parts of Yugoslavia. The Slovenes realized that if they left Yugoslavia, they would no longer have to subsidize impoverished regions like Macedonia and Kosovo.

In 1987 the Associated Press cited economic concerns as the chief cause of Slovenia's secessionist movement. AP reported that "leading Slovenian intellectuals have publicly called for secession from the other five republics and two autonomous regions that make up Yugoslavia ... many people in Slovenia, which has the highest living standards in Yugoslavia, are assailing the federation as an arrangement under which they subsidize poorer regions."<sup>80</sup>

This problem was coming to the fore as early as 1982 when the Financial Times reported that "the richer republics, such as Slovenia, [do] not want the fruits of their exports to subsidize the less successful regions of the country."<sup>81</sup>

According to a public opinion poll taken in Slovenia in 1988, 57.8% of Slovenes believed that new economic opportunities could only be created if Slovenia seceded from Yugoslavia.<sup>82</sup>

## SLOVENE NATIONALISM

In addition to economic motives, ethnic nationalism is another factor that played into Slovenia's decision to secede from Yugoslavia.

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<sup>78</sup> "Belgrade Agrees on Standby Credit with IMF," *Financial Times* (London), February 27, 1985

<sup>79</sup> "Inflation Accelerated Sharply in Summer," *The Economist* (UK), September 29, 1987, No.4 1987

<sup>80</sup> "Slovenians of Yugoslavia Looking West," *The Associated Press*, May 5, 1987

<sup>81</sup> "Yugoslavia Pursues Elusive Credit," *Financial Times* (London), September 29, 1982

<sup>82</sup> "Results of Public Opinion Poll in Slovenia," *BBC Summary of World Broadcasts*, June 18, 1988, Source: 'Borba' (Belgrade) 3 Jun 88

Shortly after Slovenia seceded from Yugoslavia it implemented a decision to revoke the citizenship of “undesirable” ethnic minorities. Non-Slovenes, even if they had been living in Slovenia for years, lost their citizenship and all rights associated with it.

On February 26, 1992, Slovenia erased the citizenship of certain ethnic minorities. Slovene public opinion has been overwhelmingly supportive of this mass-revocation of minority citizenship. In a 2004 opinion poll, commissioned by the Slovene broadcaster Pop TV, only 3% of Slovenes supported restoring citizenship to ethnic minorities; 82% opposed restoring citizenship, and 15 per cent abstained.<sup>83</sup>

Slovenia’s policy towards ethnic minorities has been unequal. Serbs, Croats, Muslims, Albanians, and Gypsies were stripped of their citizenship. Meanwhile, other ethnic minorities, no doubt considered “more desirable” by the Slovenes, such as Italians and Hungarians were allowed to retain their citizenship.

The Slovenes call the people whose citizenship they’ve revoked “izbrisani”, which means “the erased”.

Any nation that strips people of their citizenship based on ethnicity can fairly be called nationalistic. In this regard the Slovenes are surely nationalists. The Slovenes seceded from Yugoslavia because of their own greed and ethnic nationalism, not because of Milosevic or Serbian nationalism.

Open calls for Slovenia’s secession began to surface all the way back in 1985. At its November 1985 session the Slovene branch of the Yugoslav League of Communists went out of its way to condemn what it called growing “nationalist separatism” in Slovenia.<sup>84</sup>

Speaking at a conference of Slovenian and Serbian intellectuals, held in Ljubljana in the Fall of 1985, France Bucar, the man who would later become the President of the Slovenian National Assembly, said, “Today the Slovenians feel that the idea of belonging of Slovenes in Yugoslavia is dead or if nothing else dying. People feel disappointed and disillusioned and deceived in their expectations. We have nothing to expect any longer. We do not feel that we are in our own country. As a state product Yugoslavia is dead in the minds of the people.”<sup>85</sup>

Bucar went on to say, “Are the Serbs nationalists? If they are, good for them. Unfortunately, there is a major difference between the Slovenians and Serbs as nationalists. To our mind, the idea of Yugoslav-hood is of secondary importance. To you it is of primary importance. We want autonomy, and for you

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<sup>83</sup> “Slovenia to Deny Rights to Minorities,” *The Independent* (London), April 2, 2004

<sup>84</sup> “LC of Slovenia Discusses Nationalism,” *BBC Summary of World Broadcasts*, November 15, 1985, Source: Yugoslav News Agency in Serbo-Croat 1506 gmt 11 Nov 85

<sup>85</sup> Tadic Trial Transcript, ICTY, pg. 5638; Defense Exhibit 46

Yugoslavia has been and still is the road to the solution of the Serb question. What interest could we have in common then?"<sup>86</sup>

Bucar made the issue crystal clear all the way back in 1985. As far as nationalism entered into the equation, it was Slovene nationalism that drove the separatist movement. The question of Serb nationalism didn't matter to the Slovenes. Bucar's attitude was "Are the Serbs nationalists? If they are, good for them."

Janez Urbancic, another prominent Slovenian intellectual, addressed the conference and said, "The fundamental thing for me is that I am a Slovene that I love my people and my language, and I want to remain that. I have no visions about future Yugoslavia."<sup>87</sup>

Taras Kermaner, a famous Slovenian writer, also addressed the conference and expressed his negative attitude towards Yugoslavia. Already in 1985 he was speaking about Yugoslavia in the past tense. He said, "Yugoslavia promoted brotherhood and unity which was a substitute for the autonomy and civil society, but brotherhood always means terror and demagoguery and unity means homogenization."<sup>88</sup>

The thesis that Slobodan Milosevic "started a war with Slovenia" or that his "Serb nationalism" drove the Slovenes to secede from Yugoslavia is nonsense. Nobody even knew who Slobodan Milosevic was in 1985, yet the Slovene separatist movement was already under way.

The Slovenes seceded from Yugoslavia for their own economic and nationalistic reasons.

Slovenia was not the victim of an aggression. Slovenia provoked the war with its flagrant disregard for the Yugoslav constitution and its forcible seizure of Yugoslav border crossings.

In spite of its racist treatment of ethnic minorities, Slovenia has been rewarded with a good international reputation and admitted into NATO and the European Union.

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<sup>86</sup> Tadic Trial Transcript, ICTY, pg. 5639; Defense Exhibit 46

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

## CHAPTER 3

### War Erupts in Croatia

Like Slovenia, Croatia was a republic within the nation of Yugoslavia. Croatia was part of Yugoslavia from 1918 until 1941 and again from 1945 until its violent secession in 1991.

When full-blown war broke out in Croatia, the Western political establishment again sought to blame Slobodan Milosevic and the Serbs. In a White House press release Bill Clinton asserted that Milosevic “chose aggression over peace” and “started the war against Croatia”.<sup>89</sup>

British Prime Minister Tony Blair wrote that Yugoslavia was “blighted by the conflict born of Milosevic’s policies of ethnic hatred.” According to Mr. Blair, “Croatia was his target.”<sup>90</sup>

Like the politicians, nearly the entire Western press corps jumped on the “blame Milosevic” bandwagon. The Boston Globe referred to “Milosevic’s war in Croatia”<sup>91</sup> and not to be outdone, the *Ottawa Citizen* described the conflict as “Milosevic and his genocidal war in Croatia.”<sup>92</sup>

Jonathan S. Landay of *The Christian Science Monitor* told his readers that Milosevic was single-handedly responsible for the war. He wrote that “Milosevic instigated Serb revolts that ignited war in Croatia.”<sup>93</sup>

According to a report in the London Observer, the war in Croatia was “largely prosecuted by Serbian terrorists loyal to Milosevic.”<sup>94</sup>

Of course, making accusations is easy; the question is whether Slobodan Milosevic actually caused the war in Croatia. Was the war born of his policies, or was it something that was building up over time? To answer this question, one must understand what went on in Croatia during the fifty years leading up to the war.

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<sup>89</sup> “President Clinton; Taking A Stand for Peace in Europe,” White House press statement, March 24, 1999; <http://clinton4.nara.gov/WH/Work/032499.html>

<sup>90</sup> Tony Blair, “It Will Be Peace On Our Terms,” *The London Times*, May 7, 1999

<sup>91</sup> “European Allies Showing Resolve; Crisis in Kosovo,” *The Boston Globe*, May 5, 1999

<sup>92</sup> “Economic Woes Threaten to Swamp Serbia,” *The Ottawa Citizen*, February 16, 1997

<sup>93</sup> “Why Thousands Take To the Streets in Serbia,” *Christian Science Monitor* (Boston); December 16, 1996

<sup>94</sup> “Blondie’s Slide From Car Wash Crook to Corpse: How Slobodan Milosevic Dropped Democracy into the Danube, Wearing Concrete Boots,” *The Observer* (London); August 11, 1991

## **WORLD WAR II**

Fifty years before the fighting broke out in 1991, World War II was raging in Yugoslavia. From 1941 until 1945 Croatia was known as the Independent State of Croatia (NDH - Nezavisna Drzava Hrvatska). The NDH was comprised, roughly, of the territories that make up present- day Croatia and Bosnia-Herzegovina. The leader of the NDH was a man named Ante Pavelic.

The NDH was controlled by a pro-Nazi puppet regime called the Ustasha. The Ustasha was established by Pavelic in 1930 as the armed wing of the Croatian Party of Rights, which was founded in 1861 by Ante Starcevic.

Starcevic, whose picture is still printed on Croatia's 1,000 Kuna bank note, is widely revered by Croats as the "father of the Croatian homeland". Starcevic is known to Serbs for his anti- Serbian views. Starcevic believed that the only way to deal with Serbs was with an "axe to the neck". He wrote that for "that impure race, everyone is the judge and executioner, like for a rabid dog".<sup>95</sup>

During the Second World War, Croatian Ustashes killed hundreds of thousands of Jews, Serbs and Gypsies, and forced hundreds of thousands more to either flee Croatia or convert to the Roman Catholic religion.<sup>96</sup>

In 1941 the NDH constructed the notorious Jasenovac extermination camp, one of the largest in Europe. According to the Wiesenthal Center some 600,000 predominantly Serb prisoners were killed there together with scores of thousands of Jews and Gypsies.<sup>97</sup>

On April 10, 1941, the day the NDH was established, Pavelic's deputy, Slavko Kvaternik, explained how an ethnically pure Croatia would be created. He explained that one third of the Serbs should be forced to leave Croatia, one third forcibly converted to Catholicism, and one third should be exterminated. Following Kvaternik's directive, the Ustasha began a campaign of mass slaughter. The enormity of such criminal behavior shocked even the conscience of German commanders.<sup>98</sup>

## **USTASHA ATROCITIES SO VILE THEY SHOCKED THE NAZIS**

The main victims of the Ustasha were the Serbian population. The issue of Ustasha war crimes was well known to the Allied powers, but the Ustasha's

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<sup>95</sup> Gerard Baudson, *Le Nouvel Orde Mondial et la Yugoslavie*, Chapter XXII "August 1995"; 1996; Gil Wern Editions 38, rue Charlot 75003, France

<sup>96</sup> The Simon Wiesenthal Center, Museum of Tolerance website; <http://motlc.wiesenthal.com/pages/t081/t08100.html>

<sup>97</sup> The Simon Wiesenthal Center, Museum of Tolerance website; <http://motlc.wiesenthal.com/gallery/pg46/pg9/pg46999.html>

<sup>98</sup> Worldmark Encyclopedia of the Nations, Europe, edition 1995, page 91, entry: Croatia

crimes were so depraved that they even shocked their staunchest allies - Germany and Italy.

A 1942 Gestapo report submitted to Heinrich Himmler noted that "Increased activity of the [Serbian resistance] bands is chiefly due to atrocities carried out by Ustasha units in Croatia against the Orthodox population (i.e. Serbs). The Ustashes committed their deeds in a bestial manner not only against males of conscript age, but especially against helpless old people, women and children. The number of the Orthodox that the Croats have massacred and sadistically tortured to death is about three hundred thousand."<sup>99</sup>

One Italian commander was so shocked by the Ustashes' abuse of young Serbian girls that he wrote, "The horrors that the Ustashi have committed over little Serbian girls is beyond all words. There are hundreds of photographs confirming these deeds because of those who survived the torture: bayonet stabs, pulling of tongues and teeth, nails and nipples - all this after they were raped."<sup>100</sup>

## POST WAR

In 1945 the Axis powers surrendered, the Ustasha collapsed, and the territory occupied by the NDH was taken over by Tito's Partisan army and reintegrated into a new Yugoslav state.

Post-war Yugoslavia was ruled by Josip Broz Tito until he died in 1980. During the war, Tito established the Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ). This communist organization decided what form Yugoslavia would take after the war ended.

AVNOJ decreed that Yugoslavia would be divided into six republics and two autonomous provinces. Yugoslavia's internal borders were arbitrarily drawn up by five members of the Central Committee of the Yugoslav Communist Party at an AVNOJ meeting in 1943.<sup>101</sup>

The fact that Yugoslavia's internal borders were based on nothing more than Communist decree was of little significance when Yugoslavia was a unified country. No matter which Yugoslav republic one was in, one was subject to the absolute authority of Tito and the Yugoslav Communist party. The boundaries between the Yugoslav republics were mainly administrative in nature.

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<sup>99</sup> Report to Reichsführer SS Heinrich Himmler from the Geheime Staatspolizei - GESTAPO - dated February 17, 1942

<sup>100</sup> Commander of the Italian Sassari Division in Croatia, 1941

<sup>101</sup> "Yugoslavia: Points Worth Remembering," Serbian Unity Congress, 1993

Relative to other communist nations of that era, Tito's Yugoslavia was rather liberal. In many instances, Tito permitted private property ownership, allowed religious worship, and permitted Yugoslav citizens to work and travel abroad.

Tito pursued an independent policy. Yugoslavia was not a member of the Warsaw Pact, nor was it a member of NATO. Yugoslavia was a founding member of the Non-Aligned Movement. Yugoslavia enjoyed a good international reputation, and its citizens generally had a good standard of living.

In spite of Tito's efforts to establish a Yugoslav identity based on "brotherhood and unity", ethnic nationalism was always bubbling just beneath the surface. This was particularly true among the Croatian population.

## **CROATIAN NATIONALISM AND SEPARATISM DURING THE 1970s AND 80s**

The biggest outburst of Croatian nationalism to take place during Tito's rule erupted during the early 1970s with the Croatian Mass Movement, sometimes referred to as the "Croatian Spring". The persecution of ethnic Serbs living in Croatia increased dramatically when this movement took hold.<sup>102</sup>

The Croatian Mass Movement's initial objective was to turn the Yugoslav federation into a loose confederation in which Croatia would be a sovereign state with its own representation in the United Nations and its own army.<sup>103</sup>

However, as time went on, the movement evolved into a more violent separatist movement. In 1971 a Croatian nationalist named Miro Baresic assassinated Vladimir Rodovic, the Yugoslav ambassador to Sweden.<sup>104</sup>

Baresic was released from prison in 1972 after Croatian terrorists hijacked a Scandinavian Airlines System jetliner and demanded his release.<sup>105</sup>

Baresic returned to Croatia in 1991 and joined the Croatian police only to be killed by Krajina- Serb police manning a barricade near Benkovac during the 1991-1995 war.<sup>106</sup>

Dr. Milan Bulajic, an expert witness at Slavko Dokmanovic's trial in The Hague, testified that links were established between members of the former Ustasha government and members of the Croatian Spring movement during the trial of Ambassador Rodovic's killers.<sup>107</sup>

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<sup>102</sup> Testimony of Slobodan Jarcevic, Milosevic Trial Transcript, ICTY, Pg. 48874; See also: New York Times, July 18, 1971, Page 14, Column 1

<sup>103</sup> Testimony of Prof. Mihailo Markobic, Milosevic Trial Transcript, ICTY, Pg. 33393

<sup>104</sup> "US Seeks To Extradite Terrorist To Sweden," *The Associated Press*, December 28, 1979

<sup>105</sup> Ibid.

<sup>106</sup> Milosevic Trial Transcript, ICTY, Pg. 48642

<sup>107</sup> Testimony of Dr. Milan Bulajic, Dokmanovic trial transcript, ICTY, April 27, 1998, Pg. 2401

Dr. Bulajic testified that the Usthas supported the Croatian Spring movement because it “reflected a certain continuity in the fact that a pure Croatian State should be established.”<sup>108</sup>

On June 21, 1972, the Yugoslav authorities fought a group of armed Usthas on Mount Radusa near the town of Bugojno in Bosnia-Herzegovina. The group had fled Yugoslavia at the end of World War II, but returned with the objective of raising an armed rebellion against Yugoslavia. During the fighting 14 Usthas were killed, and four were captured. On the Yugoslav side 13 soldiers lost their lives.<sup>109</sup>

Again in 1972, a group of secessionist Croatian terrorists blew up a Yugoslav airliner over Czechoslovakia in an attack that killed 29 people.<sup>110</sup>

In an attempt to quell the violence, Tito imprisoned several Croatian nationalists who were responsible for the Mass Movement. Among those arrested in the crackdown were the two men who would ultimately lead Croatia’s war of secession in the 1990s - Franjo Tudjman and Stepjan Mesic.<sup>111</sup>

To calm tensions following the Croatian Mass Movement, Tito reworked the Yugoslav federation by passing a new constitution in 1974. The new constitution gave greater powers to Yugoslavia’s republics and autonomous provinces.

Unfortunately, the new constitution had little success in calming separatist passions in Croatia. By the late 1970s separatist sentiment was still strong in Croatia. In 1977 US News & World Report warned that “the strong separatist movement among Yugoslavia’s 4.4 million Croatians - one fifth of the total population - is the Trojan Horse inside Yugoslavia.”<sup>112</sup>

Violent Croatian terrorism continued throughout the late 1970s. It spilled over Yugoslavia’s borders and into Western Europe and the United States.

In 1976 Croatian terrorists planted a bomb in New York’s Grand Central Station. When the bomb went off it killed New York City police officer Brian Murray, and seriously wounded his colleague Sgt. Terence G. McTigue.<sup>113</sup>

On September 11, 1976, a group of five Croatian terrorists hijacked a TWA flight with 86 passengers from New York’s Kennedy Airport and forced the

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<sup>108</sup> Ibid.

<sup>109</sup> Raymond H. Anderson, “Yugoslavia Adopting Stronger Measures to Dampen Nationalism in Her 8 Regions,” *New York Times*, July 18, 1972; See also: Testimony of Milan Babic, Martić trial transcript, ICTY, February 21 2006; Pg. 1689-1690

<sup>110</sup> “Croatian Group Says It Bombed Yugoslav Envoy’s Home Here,” *The Washington Post*, June 5, 1980

<sup>111</sup> Closed session testimony of Stepjan Mesic, Kordic and Cerkez trial transcript, ICTY, March 17, 1998, Pg. 7126

<sup>112</sup> “How Unhappy Minorities Upset Europe’s Calm,” *US News & World Report*, January 31, 1977

<sup>113</sup> Leslie Maitland, “Injured Sergeant in Bomb Squad Noted Groups’ Threat a Year Ago,” *New York Times*, September 13, 1976



plane to fly to Paris, where they surrendered after demanding that Western newspapers publish a series of anti-Yugoslav texts they had written.<sup>114</sup>

In 1978 Croatian terrorists again planted bombs in Grand Central Station, and a UN building in New York. Fortunately, New York police were able to defuse the bombs before they went off. Notes found near the bombs said that they were planted by a group that sought the separation of Croatia from Yugoslavia.<sup>115</sup>

Less than a week after being thwarted in their New York bombing attempts, armed Croatian terrorists seized the West German Consulate building in Chicago and took six members of the consulate staff hostage.<sup>116</sup>

In 1980, shortly after Tito's death, a New York City police report listed 60 "significant" acts of Croatian terrorism since 1962. According to the report, at least 50 persons died in Croatian terror attacks on US soil between 1972 and 1980.<sup>117</sup>

The goals of the Croatian terrorist campaign were clear to one and all. Reporting on a 1979 Croatian terror bombing at a travel agency in New York, the Associated Press wrote, "Croatian nationalists are seeking the separation of Croatia from Yugoslavia".<sup>118</sup>

In 1977 Croatian terrorists shot their way into the Yugoslav UN mission in New York. Again, they made their views known by scattering leaflets demanding Croatia's secession from Yugoslavia.<sup>119</sup>

The goal of the Croatian terrorists was clear as far back as 1972 when *the New York Times* reported that "Croatian terrorists have been organizing bombings and shootings to harass [the] Tito government for years ... their common goal is a separate Croatian national state."<sup>120</sup>

Croatian terrorism continued into the 1980s. On June 6, 1980 New York City police officials announced that Croatian terrorists had detonated a bomb at the Statue of Liberty.<sup>121</sup>

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<sup>114</sup> Robert E. Tomasson, "Jet Hijackers Surrender in Paris; Croats Had Forced an Airdrop of their Leaflets Over 5 Cities; Hostages Are Freed 30-Hour Ordeal Ends After Newspapers in U.S. Print Statements by Terrorists," *New York Times*, September 12, 1976

<sup>115</sup> "2 Bombs Fail to Explode At UN and Grand Central," *The Washington Post*, August 15, 1978

<sup>116</sup> John O'Brien and Bill Grady, "Croatian terrorists free 6, end siege on Michigan Av.; Fail in bid to release comrade" *Chicago Tribune*, August 18, 1978

<sup>117</sup> "Croatian Group Says It Bombed Yugoslav Envoy's Home Here," *The Washington Post*, June 5, 1980

<sup>118</sup> "Manager of Blast-Torn Shop Arrested On Weapons Charge," *The Associated Press*, December 5, 1979

<sup>119</sup> *The Associated Press*, June 19, 1977, AM cycle

<sup>120</sup> David Binder, "West Germany Is Haven," *New York Times*, January 28, 1972

<sup>121</sup> *The Washington Post*, June 6, 1980, Pg. A8

In 1981 Croatian terrorists bombed the New York State Supreme Court Building in lower Manhattan.<sup>122</sup>

Following the bombing of the courthouse, several members of a Croatian terrorist group were convicted on federal charges for plotting to bomb a number of other public buildings in New York City.<sup>123</sup>

In 1983 the Manhattan Second Circuit Court of Appeals found that five members of the Croatian terror group Otpor had entered into a conspiracy to bomb a Yugoslav independence celebration in New York City in order to “advance the goal of Croatian independence.”<sup>124</sup>

In 1988 Canadian authorities thwarted a plot by a group of Croatian terrorists to assassinate athletes at the 1988 Winter Olympics in Calgary. *The Washington Post* reported that the goal of the terrorists was “independence for Croatia”.<sup>125</sup>

## FRANJO TUDJMAN AND THE HDZ RISE TO POWER

In April and May 1990, Croatia held its first multi-party elections since World War II. The Croatian Democratic Union (HDZ) won a plurality of votes and secured a majority of seats in the Croatian Sabor (parliament). The new Sabor then elected the HDZ candidate Franjo Tudjman to be the President of Croatia.

Speaking at a conference in Cleveland, Ohio in February 1990 Tudjman laid out the platform of the HDZ. He explained that “The basic goal of the HDZ is to separate Croatia from Yugoslavia.” He said that once the HDZ took power, “The Serbian Orthodox Church will be abolished in Croatia and it will be declared Croatian for those who do not move to Serbia.”<sup>126</sup>

In 1989 Tudjman wrote a book entitled “Wastelands of Historical Truth” (Bespuća povjesne zbiljnosti). In it, Tudjman wrote that the figure of six million Jews killed during the Holocaust is “founded too much on both emotional biased testimonies and on exaggerated data”.<sup>127</sup> In Tudjman’s estimation the real number of Jews to lose their life in the Holocaust was about one million.<sup>128</sup>

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<sup>122</sup> “Bomb Shatters Windows in Courthouse Downtown,” *New York Times*, January 24, 1981

<sup>123</sup> *The Washington Post*, March 29, 1981, Pg. A4

<sup>124</sup> “Use of Racketeering Law is Barred in Case Against Croatian Terrorists,” *New York Times*, January 27, 1983

<sup>125</sup> “British Plan Evasion If Trouble Hits Seoul,” *The Washington Post*, August 29, 1988

<sup>126</sup> Minutes from the Cleveland conference; Testimony of Borislav Jovic, Milosevic Trial Transcript, ICTY, November 20, 2003, pg. 29381

<sup>127</sup> Franjo Tudjman, *Bespuća - povjesne zbiljnosti*, Pg. 156

<sup>128</sup> “Franjo Tudjman, Ex-Communist General Who Led Croatia’s Secession, Is Dead at 77,” *New York Times / Associated Press*, December 11, 1999

According to the Wiesenthal Center, some 600,000 predominantly Serb prisoners were killed at the Jasenovac concentration camp during World War II.<sup>129</sup> Yet according to Tudjman, the number was less than 60,000.<sup>130</sup>

Not only did Tudjman accuse the Jews of exaggerating the Holocaust, he blamed them for it. According to Tudjman, the Jasenovac concentration camp was largely run by a coterie of its Jewish inmates who used their power to rob and murder their Serb and Gypsy fellow prisoners.<sup>131</sup> The *Jerusalem Post* quoted Tudjman as saying, "A Jew is still a Jew. Even in the camps they retained their bad characteristics: selfishness, perfidy, meanness, slyness and treachery".<sup>132</sup>

As if Holocaust denial weren't enough, Tudjman went on to equate the state of Israel with Nazi Germany. Tudjman wrote that "[even] in the mid-eighties, world Jewry still has the need to recall its 'holocaust' ... And precisely for this reason the example of the Jewish people has remained historically instructive in many ways. After everything they suffered in history, particularly the hardships in World War Two, the Jewish people soon afterwards became so brutal and conducted a genocidal policy towards the Palestinians that they can rightly be defined as Judeo-Nazis."<sup>133</sup>

In 1990, as a presidential candidate of the HDZ, Tudjman declared that the Independent State of Croatia (NDH), established by the Ustasha during World War II, "was not simply a Quisling creation and a fascist crime, it was also an expression of the historical aspirations of the Croatian people." He made no effort to hide his racist views, saying at one point, "Thank God, my wife is neither a Serb nor a Jew."<sup>134</sup>

Tudjman's Holocaust denial and his racist attitude towards Serbs and Jews provoked fear and anger among the Serbian population. Already in March 1990 it was clear that Tudjman's election would provoke a war with Croatia's Serbian population. One week after Tudjman declared his support for the Independent State of Croatia, Serbian protesters gathered in the Croatian town of Petrova Gora and chanted "We will kill [Franjo] Tudjman".<sup>135</sup>

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<sup>129</sup> The Simon Wiesenthal Center, Museum of Tolerance website;  
<http://motlc.wiesenthal.com/gallery/pg46/pg9/pg46999.html>

<sup>130</sup> "Franjo Tudjman, Ex-Communist General Who Led Croatia's Secession, Is Dead at 77," New York Times / Associated Press, December 11, 1999

<sup>131</sup> "An apologist for Hitler: Richard West on How Jews are Responding to the Croatian President's Anti-Semitism," The Guardian (London), October 18, 1991

<sup>132</sup> "Croatia Calling," *The Jerusalem Post*, February 14, 1997

<sup>133</sup> Franjo Tudjman, *Bespu'ca - povjesne zbiljnosti*, Pg. 160, 161

<sup>134</sup> "Franjo Tudjman, Ex-Communist General Who Led Croatia's Secession, Is Dead at 77," New York Times / Associated Press, December 11, 1999

<sup>135</sup> "Angry Serbs protest Croatian nationalism," The Washington Times, March 5, 1990

## A RESURGENCE OF CROATIAN FASCISM

When the HDZ and Tudjman took power in April and May of 1990, the Serbian population was enraged, and rightfully so. The Serbian population had suffered horribly at the hands of Croatian fascists during the Second World War, which many people were still alive to remember in 1990. Croatia's Serbian population justifiably feared living under another fascist Croatian regime.

According to the *New York Times*, Tudjman's HDZ party was heavily financed by members of the Croatian diaspora, especially by remnants of the Ustasha movement in the United States, Canada and Australia.<sup>136</sup>

Under the Croatian constitution, Tudjman had the power to appoint five people to seats in the Parliament. In 1993 he used that power to appoint Vinko Nikolic, a former official of Croatia's World War II era Ustasha regime.<sup>137</sup> Nikolic had remained a close associate of Ante Pavelic even after the Ustasha leader's defeat, and subsequent escape to South America.<sup>138</sup>

In Croatian schools, textbooks were rewritten to gloss over crimes committed by the Nazis. In a history book for eighth graders, British Prime Minister Winston Churchill is ridiculed by being depicted as a bulldog sitting on the British flag.

On the same page, there is a photograph of a yellow Star of David, and a caption saying, "The Jews had to wear a special mark, the Star of David. This is a six-pointed star. It consists of two triangles, which symbolize the sky and the earth." There is no mention of the discrimination suffered by those forced to wear the symbol.

The same history book shows a picture of Ante Pavelic. The accompanying caption describes him as "a jurist, politician and the founder of the Ustasha movement," but makes no mention of the war crimes committed under his rule.<sup>139</sup>

Not only were textbooks re-written to gloss over Croatia's fascist past, but schools and streets were re-named after leading members of Croatia's World War II era fascist regime.

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<sup>136</sup> "Franjo Tudjman, Ex-Communist General Who Led Croatia's Secession, Is Dead at 77," *New York Times* / Associated Press, December 11, 1999

<sup>137</sup> Stephen Kinzer, "Pro-Nazi Legacy Lingers for Croatia, Both pride and embarrassment in Ustashe," *New York Times*, October 31, 1993

<sup>138</sup> Declassified CIA field report, December 2, 1948  
<http://www.pavelicpapers.com/documents/pavelic/text/ap0031.txt>

<sup>139</sup> "New study questions values taught in Croatia's textbooks," *Jewish Telegraph Agency*, December 18, 2002

Shortly after Tudjman took power in 1990, an elementary school in Zagreb was named after Mile Budak, the Ustasha minister of justice who signed racial laws banning Jews from schools, factories and government positions.<sup>140</sup>

In 1992 a street in the Croatian city of Split was also named for Budak. The name of the street was eventually changed, but at the same time as the Croats were changing the name of the street, they were erecting a plaque in memory of Juraj Francetic, the commander of a notorious Ustasha "Black Legion," in the city of Slunj.<sup>141</sup>

During Tito's rule, Holocaust memorials were built throughout Croatia. In Zagreb, Tito had dedicated the central town square to the victims of fascism.

When Tudjman took power, many Holocaust memorials were torn down in Croatia. The "Victims of Fascism Square" in Zagreb was re-named the "Square of Croatian Giants"<sup>142</sup> and monuments on the site of the former concentration camp in Jadovno, and at other sites of mass Ustasha crimes were taken down.<sup>143</sup>

On Zagreb's streets, and in cities and towns throughout the republic, news-stands openly sold Ustasha paraphernalia - swastikas, the Fascist coat-of-arms, pictures of Ante Pavelic and other trinkets.<sup>144</sup>

The desire of Tudjman's regime to re-write and pervert the history of the Second World War reached epic proportions in 1996.

The Agence France Presse wire service carried a disturbing report from the Croatian town of Omis. On October 27, 1996, the Croatian parliamentary commission for victims of World War II actually dug up a Partisan cemetery and re-buried the remains of Ustasha fascists there along with the remains of the anti-fascist Partisan soldiers who had died fighting the Ustasha.<sup>145</sup>

The ceremony was led by the deputy bishop of Split, Marin Barisic. Croatian soldiers and sailors carried the remains of 110 Ustashas to their new graves.<sup>146</sup>

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<sup>140</sup> John Pomfret, "Croatia Views A Familiar Story; 'Schindler' Evokes Horror, Nostalgia," *The Washington Post*, March 26, 1994

<sup>141</sup> "Name of street called after Croatia's pro-Nazi minister abolished," Agence France Presse - English, June 12, 2000

<sup>142</sup> John Pomfret, "Croatia Views A Familiar Story; 'Schindler' Evokes Horror, Nostalgia," *The Washington Post*, March 26, 1994

<sup>143</sup> "Croatian Jews Issue Open Letter Complaining About Attitudes to Jews," *BBC Summary of World Broadcasts*, July 9, 1994; Source: Croatian TV satellite service, Zagreb, in Croatian 1730 gmt 7 Jul 94

<sup>144</sup> "Croatia reviving fascist-era currency," United Press International, May 26, 1994; See also: John Pomfret, "Croatia Views A Familiar Story; 'Schindler' Evokes Horror, Nostalgia," *The Washington Post*, March 26, 1994

<sup>145</sup> "Croatia to Bury WW2 Communists and Fascists Together," Agence France Presse - English, October 27, 1996

<sup>146</sup> Ibid.

Vice Vukojevic, who was the head of the parliamentary commission in charge of the re-burial, said in a speech that the ceremony was “a symbol of the reconciliation of the Croat people.”

“Croatia is no longer divided between victors and vanquished,” he said.

Vukojevic, a member of Tudjman’s HDZ party, said that the aim of his commission was to establish the “truth” about what happened during World War II. He said that “The number of victims of fascism has been systematically overstated, creating a feeling of guilt among the Croat people”.<sup>147</sup>

Tudjman first proposed the idea of “posthumous reconciliation of the Croat nation” when he said Ustashas and their victims should be buried together on the site of the Jasenovac concentration camp.<sup>148</sup>

The Simon Wiesenthal Center sent an open letter to the Croatian regime saying, “This ceremony is not an act of reconciliation, but a perverse lesson to younger generations on the continuity of Ustasha militias and the Croatian army today”.<sup>149</sup>

In 1990 the names and symbols of the World War II era Independent State of Croatia were re- introduced into the Croatian militia.<sup>150</sup>

In 1991, in the Croatian town of Osijek, at an official military funeral held for four Croatian guardsmen, the Ustasha salute was reputedly used. A Croatian policeman shouted “Za Dom!” and hundreds of mourners shouted back “Spremni!” The “Za Dom - Spremni” salute is the Croatian equivalent of “Sieg Heil!”<sup>151</sup>

In addition to the “Za Dom - Spremni” salute, a group of Croatian guardsmen came to the funeral with the Ustasha “U” symbol stenciled on their helmets.<sup>152</sup>

Soon after Tudjman’s regime took power, the Croatian flag was changed to resemble the one flown by the Ustasha during World War II.<sup>153</sup>

In 1994 Croatia revived the fascist-era currency that it had used during the Second World War. Naturally, Croatia had its “Kuna” bank notes printed in Germany.<sup>154</sup>

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<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> “Croatian Serbs Protest Against Proposed Legal Changes in Republic,” *BBC Summary of World Broadcasts*, July 14, 1990

<sup>151</sup> Slobodan Lekic, “Fascist Salute Heard at Croatian Guardsmen’s Funeral,” *The Associated Press*, August 7, 1991

<sup>152</sup> Ibid.

<sup>153</sup> “Fear, Loathing in Yugoslavia Why One Town Thought Civil War Had Already Started,” *The Toronto Star*, September 20, 1990

<sup>154</sup> “Croatia reviving fascist-era currency,” *United Press International*, May 26, 1994

Fascists from around the world flocked to Croatia when Tudjman took power. In 1995 Ante Pavelic's son-in-law, a former Ustasha officer named Srećko Psenicnik, returned to Croatia from Canada.<sup>155</sup>

Psenicnik founded a fascist political party (HOP), and began printing an outspoken fascist newspaper called "The Independent State of Croatia." Psenicnik said that his paper rallied like-minded Croats and was on the line of the policy pursued by its first editor-in-chief Ante Pavelic.<sup>156</sup>

It is logical that Psenicnik would feel welcome in Croatia. In 1998 two requiem services were held for Pavelic. One mass was held in Croatia's capital city of Zagreb and the other was held in the town of Split.<sup>157</sup>

The services were not only attended by Pavelic's followers and relatives, but also by several Croatian parliamentary party leaders.<sup>158</sup>

Tudjman himself proposed bringing Pavelic's bones back to Croatia for reburial. Tudjman said: "I support the idea that the bones of every Croatian man who lived for Croatia should be returned to Croatian soil. Why leave Pavelic out of it?"<sup>159</sup>

## THE LOG REVOLUTION

The Serbian revolt against Tudjman's government began on the 17th of August 1990 when Croatian paramilitary police from Korenica attempted to carry out an attack on the Serbian town of Benkovac. The Croats were stopped because Serbs from the village of Lika blocked their path by putting logs across the roads. From that point forward the Serbian revolt was known as "The Log Revolution".<sup>160</sup>

From August 19th until September 2 1990, Croatian Serbs held a referendum on the issue of Serb "sovereignty and autonomy" in Croatia. The vote took place in predominately Serb areas of Croatia. The result of the vote was overwhelmingly in support of Serb autonomy.

On September 30 1990, the Serbian National Council, presided over by Milan Babic, declared "the autonomy of the Serbian people on ethnic and historic

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<sup>155</sup> "Media; Croatian "Ustasha" Paper Reportedly to Move from Toronto to Zagreb," *BBC Summary of World Broadcasts*, December 1, 1995; Source: Tanjug news agency, Belgrade, in English 1249 gmt 30 Nov 95

<sup>156</sup> Ibid

<sup>157</sup> "Remembrance Services Held for Nazi-allied Croatian leader," *Agence France Presse* - English, December 29, 1998

<sup>158</sup> Ibid.

<sup>159</sup> Tony Barber, "Tudjman Plan To Rebury Croatian Fascist Leader Could Spark Outrage," *The Independent* (London), April 24, 1996

<sup>160</sup> Testimony of Marko Atlagic, Milosevic Trial Transcript, ICTY, February 23, 2006, Pg. 48677

territories on which they live and which are within the current boundaries of the Republic of Croatia as a federal unit of the Socialist Federal Republic of Yugoslavia”.

On December 21 1990, Croatian Serbs in Knin announced the creation of a Serbian Autonomous District and declared independence from Croatia. These Serbian Autonomous districts later became known as the Republic of Serbian Krajina (RSK).

Although there was sporadic fighting, all-out war did not break out until the spring and summer months of 1991 when Croatia formally declared its independence, although the Croatian intent to declare independence was known far earlier.

## **THE 1991-1995 WAR**

The 1991-1995 conflict basically boils down to this: The Croats wanted to secede from Yugoslavia, but the Serbs who lived in Croatia wanted to continue living in Yugoslavia and did not want to live under Tudjman’s fascist rule.

Like Slovenia, Croatia’s secession from Yugoslavia was illegal. When Croatia announced its secession, it did not obtain the constitutionally required consent from any of the other republics - let alone all of them, as required by Article 5 of the Yugoslav Constitution.

The Constitutional Court of Yugoslavia ruled that Croatia’s independence declaration was anti-constitutional and rendered it “null and void”. In its ruling the court warned that “to carry out the said decision, as an act of Croatia’s secession, may give rise to unavoidable consequences harmful to Yugoslavia.”<sup>161</sup>

On May 24, 1992, Franjo Tudjman made a statement that serves to validate the court’s warning. He said, “...And some people, some individuals in Croatia and especially abroad, who were not friends of Croatia, were saying that there shouldn’t have been war, that we were to blame for the war. And I said yes, there would be no war if we had given up our aim, creating self-reliant and independent Croatian state.”<sup>162</sup>

The conclusion is clear: Croatia’s secession from Yugoslavia, which was illegal, caused a full-blown war to break out. Tudjman even admitted there wouldn’t have been a war if Croatia had not declared its independence. Therefore, the Western view that Slobodan Milosevic was somehow to blame for the war falls flat.

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<sup>161</sup> “Other Reports on Croatia; Croatia Disputes Federal Constitutional Court Competence,” *BBC Summary of World Broadcasts*, November 26, 1991; Source: Yugoslav News Agency in English 0051 gmt 23 Nov 91

<sup>162</sup> Franjo Tudjman speaking at Ban Jelacic square in Zagreb on May 24, 1992; Videotape played at the Milosevic trial on February 1, 2006



## CROATIAN WAR OBJECTIVES

In 1990, before widespread conflict broke out, Croatia's intention to wage an aggressive war against Yugoslavia was exposed.

Between October and December of 1990, the 12th department of the KOS (Yugoslav military intelligence) secretly videotaped Croatia's Defense Minister, Martin Spegelj and Croatia's Interior Minister, Josip Boljkovac. The two were filmed planning to kill Yugoslav soldiers and ethnically cleanse Croatia's Serbian population. The video was shown on Yugoslav TV in January of 1991, and it was played at Slobodan Milosevic's trial in The Hague in 2006.

The authenticity of the videotape was established during the prosecution's case against Milosevic. Prosecution witness Aleksandar Vasiljevic testified that the video was 100% authentic. He told the Tribunal, "There's absolutely no doubt that this is absolutely trustworthy material because I filmed it myself and I had it in my own possession."<sup>163</sup>

Spegelj is seen on the videotape telling Boljkovac how Yugoslav soldiers should be killed. Spegelj says they should be killed "on the spot, in the street, in the compound, in barracks, anywhere. Just pistol and into the stomach. That will not be a war; it will be a civil war in which there is no mercy towards anyone, women or children. Into homes, family homes, quite simply grenades."

Regarding Knin (the capital city of the Krajina-Serbs), Spegelj went on to say; "We are going to resolve Knin in that way, slaughter. We have international recognition [support] for that and then we slaughter them, especially now that this whore won in Serbia."

Boljkovac asks, "Milosevic?"

Spegelj responds, "Yes. Now, the Americans, the second day after he won, offered us all possible assistance on the very next day, and until then all were speculating, they would or they wouldn't; now it's going to be this way, now it's going to be that way. Thousands of combat vehicles, this kind and that kind of cars, what do I know, for 100,000 soldiers complete arming free of charge."

He goes on to say, "We are going to use all resources. We're going to [use] weapons as well. Serbs in Croatia will never be there again for as long as we are there, and we hope their until now too supremacy is a thing of the past. Their Knin will never be Knin again. We are going to enter Knin too. Knin has to disappear as Knin. All Croats should bear this in mind, and we are going to create a state at all costs, if necessary, at the cost of shedding blood."<sup>164</sup>

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<sup>163</sup> Milosevic Trial Transcript, ICTY, February 18, 2003, Pg. 16404

<sup>164</sup> ICTY interpretation of videotape, Milosevic Trial Transcript, ICTY, January 25, 2006, Pg. 47628 - 47631

Croatia's intentions couldn't be clearer. Croatia's objectives were two-fold: it would secede from Yugoslavia and it would ethnically cleanse the Serbian population.

This videotape also provides a clue as to why Western officials are so keen to blame Milosevic for the outbreak of war. The fact that the Croats started the war with the active support of the United States does not suit the interests of the Western political establishment. So, rather than take responsibility for their own actions, they try to pin the blame on Slobodan Milosevic instead.

## **CROATIA'S WAR AGAINST THE YUGOSLAV PEOPLES ARMY (JNA)**

When Croatia illegally proclaimed its independence from Yugoslavia it deemed the Yugoslav People's Army (JNA) to be an "occupying army" on its territory. In reality the JNA was stationed on the same territory that it had always been on - territory which was still internationally recognized as part of Yugoslavia.<sup>165</sup>

In order to deal with the so-called "occupation" Croatia established armed units known as the HOS (Hrvatske Obrambene Snage - Croatian Defense Forces) and ZNG (Zbor Narodne Garde - National Guards Corps).

The HOS was formed as the paramilitary wing of the Croatian Party of Rights<sup>166</sup> - the same party that had established the Ustasha as its armed wing during World War II.

In December 1991 Milan Vukovic, the vice-President of the Croatian Party of Rights, confirmed that HOS units were in actual fact "part of the Croatian National Guard Corps and subsequently part of a single Croatian defense system."<sup>167</sup>

The Croatian government officially announced the establishment of the ZNG on April 12, 1991.<sup>168</sup> The ZNG was under the direct command of the Croatian Defense Ministry.

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<sup>165</sup> Croatia did not obtain international recognition until January 15, 1992 when it was recognized by the E.C.

<sup>166</sup> ICTY Judgement, Prosecutor v. Zejnil Delalic, Zdravko Mucic also known as "Pavo", Hazim Delic, Esad Landzo also known as "Zenga", November 16, 1998, ¶ 119

<sup>167</sup> "Croatia in Brief; HSP Denies HOS Clashes With Croatian National Guard," *BBC Summary of World Broadcasts*, December 10, 1991; Source: Yugoslav News Agency in English 1518 gmt 7 Dec 91

<sup>168</sup> "Croatia Plans to Establish National Guard," *The Toronto Star* / Associated Press, April 13, 1991

Regardless of what these units were called, they were illegal. Croatia was an internationally recognized part of Yugoslavia. In 1991, when the fighting between the Croatian paramilitaries and the JNA broke out, the only lawful armed force in Yugoslavia was the JNA, and the only internationally recognized country was Yugoslavia.

The Croatian government's actions were unlawful on every level. Croatia illegally proclaimed its independence from Yugoslavia and then it established illegal paramilitary groups to carry out its secession.

By September 1991, Croatian paramilitaries had captured about 20 federal army barracks across the republic.<sup>169</sup>

Obviously the JNA couldn't be expected to tolerate Croatian paramilitaries attacking them in their own barracks and taking over sovereign Yugoslav territory. The aggressive actions of the Croatian side made war unavoidable.

During the trial of Slobodan Milosevic, Yugoslavia's former President, Borislav Jovic, was called to testify by the Prosecution. Jovic explained the mission that the Yugoslav state presidency had given the JNA in Croatia.

Jovic testified that "The position of the Presidency was [that] we did not want to use the army in order to overthrow the Croatian government or to conquer Croatia that had decided to secede from Yugoslavia. Quite simply, we wanted there to be protection. We wanted to have a buffer between the Serb territories and the Croatian units in order to protect the Serb territories until a political solution is found for this issue."<sup>170</sup>

The Yugoslav Presidency was desperate to find a peaceful solution to the conflict. Branko Kostic, the Montenegrin representative of the Socialist Federal Republic of Yugoslavia (SFRY) state presidency, testified during the Milosevic trial that the SFRY state presidency sought to end the bloodshed by taking the JNA out of Croatia and inviting the UN to send peacekeepers in their place until a political solution could be found.<sup>171</sup>

## **THE VANCE PLAN**

The Vance Plan was named for the former US Secretary of State, Cyrus Vance, who was the UN secretary-general's special envoy for Yugoslavia. In line with the request of the SFRY Presidency, Vance drew up a plan to stop the fighting in Croatia, and on November 23, 1991 the Vance Plan was accepted by both the Croatian and Yugoslav governments.<sup>172</sup>

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<sup>169</sup> "Croats Seize Federal Army Barracks," *The Guardian* (London), September 16, 1991

<sup>170</sup> Milosevic trial transcript, ICTY, November 19, 2003, Pg. 29202

<sup>171</sup> Milosevic trial transcript, ICTY, February 2, 2005, Pg. 47892

<sup>172</sup> Geneva Accord of November 23rd 1991; Milosevic Trial Prosecution Exhibit 396; Tab 6

Under the Vance Plan, the JNA vacated Croatia and the Serbian districts in Croatia were turned into UN Protected Areas (UNPAs). The Krajina Serbs were required to turn over their weapons to the UN, and in return the UN Protection Force (UNPROFOR) was supposed to guarantee their safety.

Pursuant to the Vance Plan, UNPROFOR troops arrived as the JNA withdrew. The objective of the Vance Plan was to stop the war by demilitarizing the conflict zone and stationing UN peacekeeping troops on the territory until the Croatian government and the Krajina Serbs could negotiate a political settlement.

The JNA began leaving Croatia on November 30, 1991.<sup>173</sup> The last JNA soldier left Croatia in October 1992, 11 months after the Vance Plan was adopted, but most of them were out by May.

This process was not without its problems. The Croatian side did not abide by the terms of the Vance Plan. On several occasions the Croatian Army attacked the JNA as it was attempting to leave Croatia.<sup>174</sup>

## GERMANY GETS INVOLVED

As Cyrus Vance was attempting to implement the agreement in Croatia, the European Community (EC), led by Germany, double-crossed him.

On December 17, 1991 The EC agreed to extend diplomatic recognition to Croatia and Slovenia no later than January 15, 1992. Most of the EC Foreign Ministers meeting in Brussels balked at moves to recognize Croatia and Slovenia as independent states. However, they acceded to German demands in order to preserve the unity of the EC after Germany threatened to recognize the rebel republics with or without the EC.<sup>175</sup>

UN Secretary-General Perez de Cuellar was alarmed by the EC decision. He said, "I am deeply worried that any early, selective recognition could widen the present conflict and fuel an explosive situation, especially in Bosnia-Herzegovina and also Macedonia. Indeed, serious consequences could ensue for the entire Balkan region."<sup>176</sup>

Unfortunately, de Cuellar's warnings fell on deaf ears; Germany's Foreign Minister Hans-Dietrich Genscher announced that the recognition door was open

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<sup>173</sup> "Yugoslav Army Pull-out Begins," *Financial Times* (London), November 30, 1991

<sup>174</sup> "Yugoslav Army Halts Withdrawal From Eastern Croatia, Blames Croatian Attacks," *BBC Summary of World Broadcasts*, May 25, 1992; Source: Tanjug in SerboCroat (i) 1430 gmt 21 May and (ii) 0951 gmt 23 May 92

<sup>175</sup> "EC To Recognize Republics," *Courier-Mail* (Australia), December 18, 1991

<sup>176</sup> "Canada Stands Firm on Croatia," *The Toronto Star*, December 18, 1991

to any Yugoslav republic wishing to secede. He told reporters, "No one will be turned away".<sup>177</sup>

Cyrus Vance told the *New York Times* that he was "very disappointed" in Germany's actions. He said, "Premature recognition could very well have negative consequences, that it could intensify and widen the war."<sup>178</sup>

By granting Croatia unconditional recognition, the EC removed any leverage that Vance could use against the Croatian government to negotiate a peaceful settlement.

By extending recognition to Croatia, Slovenia, and other secessionist republics, the German-led EC violated international law. Germany, Yugoslavia, and all of the EC member states were signatories of the 1975 Helsinki Final Act which states in chapter 1.4 that "The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State."

Under international law, Yugoslavia's unity and territorial integrity were to be respected, but the Germans and the European Community ignored all of that.

## MEDAK POCKET

Even though the Yugoslav People's Army had left Croatia, and UN peacekeeping troops were deployed in Serb-majority areas to secure the territory until a peace agreement could be reached, the Croatian regime attacked the Serbian population.

One such attack occurred in September 1993 in a Serbian region of southern Croatia known as the Medak Pocket. At about 6 AM on September 9, 1993 Croatian troops attacked the pocket. A detachment of UN peacekeepers from the 2nd Battalion of the Princess Patricia's Canadian Light Infantry was stationed in the area and counted 525 shells falling on the Serbian village of Medak during the first 24 hours of the operation.<sup>179</sup>

The Croatian attack was indiscriminate. The civilian casualties were heavy, and four Canadian peacekeepers deployed in the area sustained shrapnel wounds during the attack.<sup>180</sup>

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<sup>177</sup> "Germany Flexes Its Muscles on Croatia's Behalf; John Eisenhower Explains The Eagerness of Bonn to Recognise the Breakaway Republics Despite EC reservations," *The Independent* (London), December 19, 1991

<sup>178</sup> "Yugoslav Peace Mission Goes On, Vance Declares," *New York Times*, December 19, 1991

<sup>179</sup> Testimony of Col. Jim Calvin before the Canadian Standing Committee on National Defence and Veterans Affairs, April 27, 1998, Transcript Pg. 1545

<sup>180</sup> *Ibid.* Pg. 1545

The Croatian attack was condemned by the UN, and on September 15, 1993 the Croatian government agreed to withdraw from the captured territory, but not until after the Croatian Army had burned down several Serbian villages in the area.<sup>181</sup>

Once the cease-fire was negotiated, Canadian UN troops were ordered to create a buffer zone between the Croatian Army and the Krajina-Serbs. However, as they were attempting to deploy, they came under attack from the Croats.

At first the Canadians thought this was a mistake, so they put bigger UN flags on their vehicles, but this did not deter the Croats. Col. Jim Calvin, the commander of the Canadian troops, testified to the Canadian Standing Committee on National Defense and Veterans Affairs that "it became evident that this was not an accident but actually a concentrated attempt to fire at the United Nations."<sup>182</sup>

At that point a firefight ensued between the Croatian Army and the Canadian UN Peacekeepers. This was Canada's largest combat operation since the Korean War. The Canadians managed to kill 27 Croatian soldiers during the fighting without taking any losses on their side.

Eventually an agreement was negotiated with the Croatian artillery commander. The Croatian army would have until 12 PM the next day to move its equipment and let the Canadians pass.

Col. Calvin testified that by 8 AM the next morning "we knew that we had made a tragic error in allowing [the Croats] until noon to prepare to move, because as we looked out over the kilometer that separated us from the Croats we could see nothing but billowing smoke starting to go up from every one of the villages that we could plot on our maps and we started hearing large explosions and we started hearing small arms fire coming from all over the villages within the pocket itself.

"It was clear to us in our own minds, based on our past five months' experience, that the Croatian army had now started a serious ethnic cleansing session within the pocket, and we were required to sit there and watch for four hours, until noon, before we could actually move to the other side."<sup>183</sup>

At the time, UNPROFOR released a statement condemning the killing of Serb civilians as a "deliberate action and not as collateral damage from military operations."<sup>184</sup>

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<sup>181</sup> "Croats Raze Villages Before UN Takes Over," *The Independent* (London), September 17, 1993

<sup>182</sup> Testimony of Col. Jim Calvin before the Canadian Standing Committee on National Defence and Veterans Affairs, April 27, 1998, Transcript Pg. 1600

<sup>183</sup> Ibid. Pg. 1605

<sup>184</sup> Agence France Presse, September 18, 1993

General Jean Cot, the commander of the UN Protection Force in Croatia, confirmed the destruction of the villages. He described the destruction as “total, systematic and deliberate”. Cot told reporters that he had “found no sign of human or animal life” when he inspected the villages.<sup>185</sup> Once the Canadians gained access to the villages, they found evidence of crimes perpetrated by the Croatian Army against the Serbian civilian population. Col. Calvin testified “As we slowly drove into the village [of Citluk], there were Croatian soldiers with bags of loot jumping on trucks and buses and laughing as they evacuated themselves out of the pocket. We began to see at first hand our evidence of ethnic cleansing.”<sup>186</sup>

The Canadian soldiers recorded videotapes and took photographs of what they found. Col. Calvin played a video of one particularly egregious incident for Canadian officials. He showed them a videotape of two Serbian girls who had been held prisoner and likely raped by the Croats.

As the grisly images on the videotape played, he gave a commentary. He said, “[T]hese two women [were found] the first evening in the dark. They were between the ages of 16 and 25. It was very difficult to determine. They’d been held prisoner for four or five days by the Croatian army in a barred room in a farmhouse. They must have been shot and set on fire just before the Croats moved back, because when we actually found them, the bodies were so hot that before they could be put in the body bags the soldiers had to douse them with water to cool them down so they wouldn’t melt the plastic of the body bags.”<sup>187</sup>

Describing the general situation in the Medak Pocket, Col. Calvin recounted, “All of the livestock in the area had been killed. Every well had been poisoned with oil or animals thrown down into them. In fact, in the broadest sense of ethnic cleansing, they had made sure that the people who had lived there could not return to that area, either by killing them, by destroying their property, or by poisoning their wells.”<sup>188</sup>

One would think that the eyewitness testimony of an entire battalion of Canadian soldiers backed up by hundreds of photographs and videotapes would have prompted The Hague Tribunal to file war crimes charges against Agim Ceku, the ethnic Albanian field commander who carried out the Croatian ethnic cleansing operation. Unfortunately, The Hague Tribunal is an instrument of politics - not an instrument of justice, and indicting Ceku would only embarrass the Western officials who supported him.

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<sup>185</sup> “Cot Confirms Razing of Southern Croatian Villages,” Agence France Presse – English, September 20, 1993

<sup>186</sup> Testimony of Col. Jim Calvin before the Canadian Standing Committee on National Defence and Veterans Affairs, April 27, 1998, Transcript Pg. 1610

<sup>187</sup> Ibid. Pg. 1615

<sup>188</sup> Ibid.

During the Croatian war, Ceku was trained by American instructors.<sup>189</sup> Ceku, an Albanian from Kosovo, was chosen to head up the UN-financed Kosovo Protection Corps for five years following the Kosovo war. In 2006 the Kosovo Albanians elected him to be their Prime Minister.

James Bissett, Canada's former ambassador to Yugoslavia, told the Washington Times, "As for Agim Ceku, the so-called prime minister of Kosovo, the Canadian military knows what crimes he is guilty of even if The Hague Tribunal refuses to indict him."<sup>190</sup>

## **OPERATION FLASH**

Over the course of 36 hours on May 1-2, 1995, the Croatian Army waged an all-out offensive called Operation Flash. The operation killed hundreds of Serbs and thousands more were made refugees as the Croatian Army rolled into the so-called "UN Protected Area" known as Western Slavonia and began their assault.

Throughout the war, ethnic cleansing was the key objective of the Croatian government. On September 12, 1993, at a meeting of the Council for Defense and National Security of the Republic of Croatia, President Tudjman told his cabinet "Croatia must resolve the [Serbian] problem by war, contrary to international norms, meaning by ethnically cleansing the Serbs from Croatia. That is happening in practice because we cannot hide that they have the information that in Slavonia, western Slavonia, some thirty Serb villages disappeared from the face of the Earth."<sup>191</sup>

The Croatian regime could not publicly say that it wanted to ethnically cleanse the Krajina Serbs, so it created a pretext to justify a "defensive" attack that would give them cover to carry out ethnic cleansing.

On April 30, 1995, Tudjman approved a plan to stage a fake terrorist attack on the Zagreb-Lipovac highway. The Croats would blame the "terrorist attack" on the Krajina Serbs, giving themselves the pretext they needed to launch Operation Flash and carry out the ethnic cleansing of the Serbian population in Western Slavonia.

This fact came to light on January 22, 2004 during the trial of Slobodan Milosevic. Franjo Tudjman's cabinet chief, Hrvoje Sarinic, had come to the Tribunal to testify against Milosevic, but Milosevic turned the tables on him.

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<sup>189</sup> "Ceku Must Face Justice," Halifax Herald (Canada), March 28, 2006

<sup>190</sup> "Balkan Realities," The Washington Times, July 20, 2006

<sup>191</sup> Complete transcript of the September 12, 1993 meeting published in: "Planning Croatia's Final Solution," Harper's Magazine, December 2001, pp. 20-22



Unbeknownst to the prosecution or the witness, Milosevic had obtained the transcripts of Tudjman's meetings from the Tribunal's archives. Milosevic read out excerpts from the transcripts of Tudjman's April 30, 1995, meeting where his cabinet was planning to stage a phony incident in order to give themselves an excuse to launch Operation Flash.<sup>192</sup>

President Tudjman: "It has been agreed with the soldiers that the [operation] should start tomorrow at 5.00 a.m., that it should be finished within a few hours, not later than the end of the day. We have come to the conclusion ... it would be a good idea for some kind of incident to be provoked an hour prior to this. If the highway is open, then let two or three of our cars pass through and let them be exposed to some sort of fire. So this would be an incident one hour prior to the beginning ... It is very important that this should be accompanied with appropriate propaganda."

Defense Minister Susak: "President, Mr. President, the worst option would be for us to go with two cars, two vans, to leave them there, to riddle them with bullets, to film this for television if there is no other option."

Interior Minister Jarnjak: "Mr. President, the provoking of this incident, let's agree upon this, I'm going to agree with the police leadership, and they'll do what's necessary. And it will be so - it will seem to be the real thing, that nobody will be able to doubt it."

President Tudjman: "So on the motorway. Now, if the motorway does not work, then at the entrance."

Interior Minister Jarnjak: "I should like to receive maps to show me where that incident is going - is happening."

This is Croatia's president, its defense minister, and its interior minister planning a false flag terrorist attack so that Croatia could have a pretext to launch an operation against the Krajina Serbs in Western Slavonia.

After the transcript was read out in court, Sarinic admitted that it was authentic. He said, "Now, as that is in the transcript, I cannot deny the authenticity of it." He attempted to justify it by saying, "The incident is not the important point. We were the victims on our own territory, and I think that that was military tactics along those lines."<sup>193</sup>

On May 1, 1995, Croatia launched Operation Flash after what was said to be a Serbian attack on the highway. The Croatian defense ministry issued a statement saying, "On May 1 at 05:30 a police operation began with the aim of ensuring free movement of traffic on the Zagreb-Lipovac motorway and preventing terrorist strikes against passengers."<sup>194</sup> The fact that Operation Flash was a

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<sup>192</sup> Milosevic Trial Transcript, ICTY, January 22, 2004; Pg. 31351 - 31357

<sup>193</sup> Milosevic Trial Transcript, ICTY, January 22, 2004; Pg. 31355, 31357

<sup>194</sup> "Urgent; Dateline: Zagreb, May 1," Agence France Presse - English, May 1, 1995

pre-planned operation, not a spontaneous response to a “Serbian attack”, was publicly admitted by Croatian President Stepan Mesic in 2005. Mesic told the Croatian news agency HINA that the operation was “brilliantly and professionally executed,” adding that “all military analysts must admit that that battle was organized as armies established long before would have organized battles.”<sup>195</sup>

The result of Operation Flash was thousands of Serbs either killed or expelled from their homes. In spite of credible reports by Croatian, Serbian, and international organizations that the Croatian Army committed war crimes and engaged in ethnic cleansing during the operation, no indictments have been issued either by the Croatian authorities or by The Hague Tribunal against the perpetrators of Operation Flash.

In 2003 the Croatian Helsinki Committee for Human Rights published a report on Operation Flash which stated that the “Serbs of western Slavonia were subjected to a systematic ethnic cleansing campaign”. The report accused Croatian soldiers of “systematically looting Serb houses” and executing Serbian civilians who did not flee ahead of the advancing Croatian army.<sup>196</sup>

The report details the death of 83 Serbian civilians. It lists the names of 30 Serb civilians who were killed in Croatian military attacks on refugees fleeing towards Bosnia, and it lists the names of 53 Serb civilians who remained in their homes and were executed by Croatian soldiers.<sup>197</sup>

In 2005 the Veritas Documentation and Information Centre, a Serbian NGO, published a similar report listing 283 persons who were either killed or went missing during the operation, of which 57 were women and children.<sup>198</sup>

The US State Department issued a report stating that 188 Serbs were killed during the action, including several refugees who lost their lives while attempting to flee Croatian troops. According to the report, the UN found 30 civilian corpses near the village of Nova Varos where eyewitnesses had seen Croatian soldiers shooting at fleeing refugees.<sup>199</sup>

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<sup>195</sup> “Croatian President Remembers ‘Professionally Executed’ War Operation Flash,” BBC Worldwide Monitoring, May 1, 2005; Source: HINA news agency, Zagreb, in English 12:46 GMT, 1 May 05

<sup>196</sup> “Human Rights Group Gives Names of 83 Serbs Allegedly Killed By Croatian Army,” BBC Worldwide Monitoring, July 24, 2003; Source: HINA news agency, Zagreb, in English 1338 gmt 24 Jul 03

<sup>197</sup> Ibid.

<sup>198</sup> “Croatians, Internationals Failing to Confront Wartime Crimes - Serb NGO,” BBC Worldwide Monitoring, May 1, 2005; Source: Radio B92, Belgrade, in Serbian 15:00 GMT, 1 May 05

<sup>199</sup> US Department of State, “Croatia Human Rights Practices, 1995,” March 1996

According to the Association of Croatian Serbs, 15,000 Serbs fled Western Slavonia during Operation Flash.<sup>200</sup>

## OPERATION STORM

The biggest single incident of ethnic cleansing to be carried out during any of the 1990s Yugoslav wars was Croatia's Operation Storm. The Croatian Army attacked the Krajina Serbs over a 36-hour period on August 4-5, 1995. According to the UNHCR, some 250,000 Serbs fled Croatia during the operation.<sup>201</sup>

Serbs who did not flee were executed by Croatian troops. Videos from some of these killings can be seen in Bozo Knezevic's documentary film *Storm over Krajina*.

Casualty figures for Operation Storm vary wildly. According to the Croatian authorities, 526 Serbs were killed, of which 160 were civilians.<sup>202</sup>

Serbian sources claim that the number of people killed during Operation Storm was much higher. According to the Belgrade newspaper *Vecernje Novosti*, at least 1,960 Serbs were killed, of which 1,205 were civilians. They also claim that at least 3,200 Serbian civilians were captured by Croatian troops and imprisoned in camps.<sup>203</sup>

Regardless of whether it was hundreds or thousands of Serbs that were killed, the most despicable aspect of Operation Storm is the fact that Croatia attacked the Krajina Serbs after they had surrendered.

It appears that Tudjman launched Operation Storm because he realized that it would be impossible to ethnically cleanse the Serbian population after a peace agreement had been reached. This was his last chance to carry out ethnic cleansing and he took it.

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<sup>200</sup> "Croatia Celebrates 10th Anniversary of Recapturing Rebel-held Area," *Agence France-Presse*, May 1, 2005

<sup>201</sup> UNHCR report by Neven Crvenkovic, UNHCR Zagreb, August 5, 2005

<sup>202</sup> United Nations General Assembly/Security Council, "Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Situation of Human Rights in the former Yugoslavia, Note by the Secretary General," including appended Annex, "Report on the situation of human rights in the territory of the former Yugoslavia submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1995/89 and Economic and Social Council decision 1995/290," A/50/727 and S/1995/933, November 7, 1995, p. 8

<sup>203</sup> Vlastimir Popovic, "The Storm Still Blows," *Vecernje Novosti* (Belgrade, Serbia), August 2, 2006

## **THE Z-4 PLAN, THE SURRENDER OF THE KRAJINA SERBS, AND OPERATION STORM**

Throughout 1995 the Contact Group conducted peace negotiations in Geneva between the Krajina-Serb authorities, and the Croatian government. The Zagreb 4 or “Z-4” peace plan was drafted by the United States, Russia, the UN, and the European Union.

On August 3, 1995, the Krajina-Serb Prime Minister, Milan Babic, announced that his government had accepted the terms of the Z-4 Plan, which envisioned the integration of Serb-held areas into the Croatian state. Babic had reached the agreement on August 2nd through negotiations with Peter Galbraith, the US Ambassador to Croatia.

On August 3rd Galbraith went on Croatian TV and announced that “Mr. Babic agreed to negotiate the reintegration of the Serb-held areas in Croatia. Mr. Babic said that he was going to instruct his delegation in Geneva about these points. According to our reports, he has already done so.”<sup>204</sup>

The same day, American mediators in Geneva told the press that the Krajina Serbs had offered significant concessions so that there was “no reason for Croatia to go to war”. At the same time, Ambassador Galbraith confirmed to reporters that Babic had agreed to “hold talks on the peaceful reintegration into Croatia of Serb-held areas.”<sup>205</sup>

According to an August 3, 1995 interview that Babic gave to Serbia’s FoNet news agency, Galbraith had promised that the United States would protect the Krajina Serbs from any Croatian military offensive. Babic told FoNet: “I spoke to US Ambassador Galbraith last night. Today I also made a statement which supported the stand of our delegation in Geneva. Mr. Galbraith promised me that his government would uphold our stand and that it would intervene to prevent Croatia from carrying out its military strike, provided we made public the stands we adopted earlier and which we made public today.”<sup>206</sup>

The Krajina Serbs’ acceptance of the Z-4 Plan was rejected by Croatia, and the United States did not make good on the assurances that Galbraith had given Babic. The Croats walked out of the Geneva peace negotiations and began their military offensive the very next morning.<sup>207</sup>

The Croatian side did not negotiate in good faith. President Tudjman met with his cabinet and his generals on July 31, 1995. The transcript of the meeting is in

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<sup>204</sup> “Krajina Serb Leader Reportedly Agrees Concessions to Croatia,” BBC Monitoring, August 5, 1995; Source: Croatian TV satellite service, Zagreb, in Serbo-Croat 1730 gmt 3 Aug 95

<sup>205</sup> “Shelling Starts as Serbs Offer a Deal,” The Herald (Glasgow), August 4, 1995

<sup>206</sup> “Babic Comments on Geneva Outcome,” BBC Monitoring, August 5, 1995; Source: FoNet news agency, Belgrade, in Serbo-Croat 2015 gmt 3 Aug 95

<sup>207</sup> “Shelling Starts as Serbs Offer a Deal,” The Herald (Glasgow), August 4, 1995

evidence at the ICTY.<sup>208</sup> Tudjman is quoted in the transcript saying, “I am going to Geneva to hide this and not to talk ... I want to hide what we are preparing [so] we can rebut any argument in the world about how we didn’t want to talk.”

And what was Tudjman “preparing” that he wanted to hide? According to the transcript, Tudjman told his generals, “We have to inflict such blows that the Serbs will to all practical purposes disappear.” He said, “It is important that those [Serbian] civilians set out, and then the army will follow them, and when the columns set out they will have a psychological impact on each other.”

Tudjman’s top general, Ante Gotovina voiced his support for the ethnic cleansing saying, “If we continue this pressure, probably for some time to come, there won’t be so many civilians just those who have to stay, who have no possibility of leaving.”

Tudjman explains that, for the benefit of propaganda in the international community, leaflets should be given to Serbian civilians saying, “We are appealing to you not to withdraw, we guarantee ... This means giving them a way out, while pretending to guarantee civil rights etc...”

Tudjman was very conscious of propaganda. He said that “every military operation must have its political justification” and that the Serbs “should provide us with a pretext and provoke us.”

Chief of staff Zvonimir Cervenko replies, “We should ask Markac to do that.”

Mladen Markac, a high ranking official in Croatia’s interior ministry, interjects saying, “... and we accuse them of having launched a sabotage attack against us and of heading towards Maslenica, of intending to go over Mt. Velebit to the road from Karlobag to Starigrad, that they want to cut it off, and that’s why we were forced to intervene.”

General Davor Domazet responds, “I think it would be best to do it in the following way. They are using Udbina airport, we can organize an explosion as if they had struck with their air force and in this manner we can disguise all our axes.”

Just like Operation Flash, Operation Storm was preceded by a false flag attack where the Croats attacked themselves and blamed the Serbs.

Croatia was successful in its campaign to ethnically cleanse most of its Serbian population. According to the 1991 census Serbs made-up 12% of Croatia’s population, and in the 2001 census Serbs comprised 4.5% of the population.<sup>209</sup>

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<sup>208</sup> ICTY Gotovina Trial Exhibit number P00461

<sup>209</sup> Nina Caspersen, “The Thorny Issue of Ethnic Autonomy in Croatia: Serb Leaders and Proposals for Autonomy,” *Journal on Ethnopolitics and Minority Issues in Europe*, London School of Economics and Political Science, UK; Issue 3/2003

## WESTERN COMPLICITY IN OPERATION STORM

Croatia was not alone in its war effort. In the July 31st meeting, Tudjman told his generals that "We have a friend, Germany, which consistently supports us." He said, "Kinkel has promised that Germany will support us, but we have to inform them ahead of time."

Tudjman's regime was also supported by the US government. In his book entitled *To End a War*, former US Assistant Secretary of State Richard Holbrooke publishes correspondence that he had with American diplomat Robert Frasure during a meeting with Croatian officials in Zagreb shortly after Operation Storm.

Holbrooke recounted that Frasure handed him a note reading: "Dick: We 'hired' these guys to be our junkyard dogs because we were desperate. We need to try to 'control' them. But it is no time to get squeamish about things."<sup>210</sup>

Croatian sources confirm the involvement of the United States in the planning of Operation Storm. Lawyers for Operation Storm commander Ante Gotovina told the Croatian newspaper *Globus* that in July 1995, at the Sepurine military base in southern Croatia, Gotovina prepared Operation Storm together with former CIA chief, George Tenet.<sup>211</sup> According to the report, Tenet and at least 12 American military experts worked with Gotovina to plan the operation.<sup>212</sup>

The *Globus* report said that the United States directly participated in Operation Storm by, among other things, jamming Serb communication systems and conducting reconnaissance flights for the Croatian military.<sup>213</sup>

Reports of US involvement were also published by US government sources. According to *The Navy Times*, a magazine published by the US Navy, American warplanes bombed the Krajina-Serbs' missile defense systems during Operation Storm.<sup>214</sup>

America's support for Operation Storm was discussed by Tudjman and his cabinet during a meeting on August 7, 1995. The Croatian newspaper *24 Sata* published transcripts from the meeting in which Tudjman said, "[The Americans] must have been pleased how we finished [Operation Storm]". Croatia's Prime Minister, Ivo Sanader, replied, "I talked to [Peter] Tarnoff - more or less when it came to us it was decided with Tarnoff on one side, who was a secretary and worked in the name of [Vice President] Gore, but I think that all clear-

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<sup>210</sup> Richard Holbrooke, *To End A War*, (New York, Random House, 1998), 73

<sup>211</sup> "Croatian Report Links ex-CIA Chief to Gotovina," *Agence France Presse* (English), January 11, 2006

<sup>212</sup> "Croatia: CIA Allegedly Behind 'Ethnic Cleansing' Operation", *Adnkronos International* (Rome), January 12, 2006

<sup>213</sup> *Ibid.*

<sup>214</sup> "4 Navy jets bomb Serb missile sites," *The Navy Times*, August 25, 1995

ance came from Clinton. So that all of this was approved straight from him. I think that we can expect continuous support from them.”<sup>215</sup>

James Jatras, former analyst for the US Senate’s Republican Policy Committee, summed it up best when he said that the Clinton Administration “actively abetted the Croatian Army’s ‘Operation Storm’ with mercenary retired US military consultants to provide training and operational planning under the guise of ‘democracy training.’ Indeed, there is evidence that US assistance to the eradication of the Krajina Serbs may have included air strikes and psy-ops, but to my knowledge no member of our intrepid Fourth Estate has yet seen fit to look into it.”<sup>216</sup>

The mercenaries that Mr. Jatras was referring to are retired US military officers working for Military Professional Resources, Inc (MPRI), based in Alexandria, VA.

The American embassy in Zagreb admitted that MPRI trained the Croats, on license from the US government as part of the “US-Croatian Military Cooperation Agreement”, but they denied that military tactics were taught.<sup>217</sup> Croatian military sources told the London Observer that that MPRI gave a series of seminars to officers at Cenomerec, the Croatian officer training school in Zagreb. One Croatian officer said: “They lecture us on tactics and big war operations on the level of brigades, which is why we needed them for Operation Storm when we took the Krajina. At the beginning of the war, we had no real army. Every man was a hero and thought he could win the war by himself. The Americans taught us to change all that.”<sup>218</sup>

UN observers stationed in Croatia told the Observer that, whatever Washington might say, the results of the MPRI training are obvious on the ground. One Western observer who witnessed Croatian commandos crossing the River Una told journalists that it was “a textbook US field manual river crossing. The only difference was the troops were Croats.”<sup>219</sup>

## **WESTERN MOTIVATION**

When the Krajina Serbs agreed to the Z-4 Plan, Ambassador Galbraith promised Babic that the United States would intervene to protect them in the event of a Croatian military attack. But as soon as Babic agreed to the Z-4 Plan, the

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<sup>215</sup> “SAD preko Sanadera krojio Oluju,” 24 Sata (Zagreb, Croatia), May 16, 2005

<sup>216</sup> James Jatras’s remarks at CATO Institute on May 18, 1999 during the conference: “NATO’s Balkan War: Finding an Honorable Exit.”

<sup>217</sup> “Invisible US Army Defeats Serbs,” The Observer (London), November 5, 1995

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

United States not only failed to protect the Krajina Serbs, it actively participated in the attack against them.

Although NATO was established to be a defensive alliance against the Soviet expansion, it has continued eastward expansion since the end of the Cold War. On May 31, 1997, President Clinton stated, "The bottom line is clear: Expanding NATO will enhance our security. It is the right thing to do."<sup>220</sup>

A resolution drafted by the US Council of State Governments and published by the US State Department in 1998 said "NATO Enlargement is the stated goal of US foreign policy, demonstrating responsible US engagement in global affairs in pursuit of vital US security and commercial interests."<sup>221</sup> NATO accomplished the objective of eastward expansion in the Balkans by destroying non-aligned Yugoslavia and subjugating its successor states. All of Yugoslavia's former republics are either members of NATO, candidates for NATO membership, or have NATO troops occupying their territory.

The Serbs, being the most numerous of the Yugoslav nationalities, were the main obstacle in Yugoslavia's destruction. Yugoslavia's preservation was in their interest, but the survival of a non-aligned Yugoslavia wasn't in NATO's interest, so NATO attacked them.

The mechanism that NATO used to destroy Yugoslavia was ethnic hatred. Germany forced the EC to illegally recognize Croatian secession, while the United States provided military support to the Croatian government regardless of the UN arms embargo.

In an interview with the New Yorker, former US Assistant Secretary of State Richard Holbrooke told interviewer Ted Koppel that he thought the Serbs were "murderous assholes".<sup>222</sup>

Less than two weeks after Operation Storm, Holbrooke was in Zagreb discussing the results with President Tudjman. According to the transcript of their meeting, Holbrooke told Tudjman, "We said publicly, as you know, that we were concerned, but privately, you knew what we wanted."<sup>223</sup>

Despite overwhelming evidence that they had planned and perpetrated a deliberate ethnic cleansing operation against Serbian civilians, the Croatian gen-

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<sup>220</sup> US State Department, "The Enlargement of NATO"; <http://www.state.gov/www/regions/eur/nato2.pdf>

<sup>221</sup> Resolution of the CSG Governing Board, December 7, 1997; Published at: [http://www.state.gov/www/regions/eur/op\\_980219\\_endorse.html](http://www.state.gov/www/regions/eur/op_980219_endorse.html)

<sup>222</sup> During an interview with Ted Koppel on November 6, 1995 for The New Yorker Holbrooke said, "The Vietcong were dedicated ideologues, committed to a long-term struggle. These guys [the Serbs] aren't ideologues; they're just murderous assholes."

<sup>223</sup> Record of Franjo Tudjman's conversation with American Representatives Holbrooke et al held in Presidential Palace on 18-August-1995; ICTY ERN #0187-0625-0187-0663; pg. 31



erals responsible for Operation Storm were ultimately acquitted by The Hague Tribunal's Appeals Chamber.<sup>224</sup>

Today Croatia is a member of NATO and the European Union, and the Serbs who were ethnically cleansed from their homes and communities by Croatia have not been allowed to return. When you commit war crimes on behalf of NATO you get impunity.

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<sup>224</sup> "Hague war court acquits Croat Generals Gotovina and Markac," BBC News, November 17, 2012 < <https://www.bbc.com/news/world-europe-20352187> >

## CHAPTER 4

### Bosnia and Herzegovina Descends into Civil War

Until its secession in 1992, Bosnia-Herzegovina was a Yugoslav republic made up of three constituent peoples: Serbs, Croats, and Muslims - all of whom are native to Bosnia and Herzegovina.

Since 1993, many of Bosnia's Muslims have taken to calling themselves "Bosniaks" to create the illusion that they are somehow more indigenous to Bosnia than their Serbian and Croatian countrymen.

Muslims, or "Bosniaks", did not exist as an ethnicity prior to the 1970s. Marshal Tito made Muslims an "ethnicity" in 1971.<sup>225</sup> Prior to 1971 Muslims were a religious group whose members had either Serbian or Croatian ethnic affiliation.

#### BOSNIA-HERZEGOVINA'S UNLAWFUL SECESSION FROM YUGOSLAVIA

Like Slovenia and Croatia before it, Bosnia's secession from Yugoslavia was illegal. Not only did Bosnia's secession violate Article 5 of the Yugoslav Constitution it violated the laws and constitution of Bosnia-Herzegovina itself.

On October 15, 1991, Bosnia took its first official step towards secession. The Bosnian parliament was in session well into the early hours of the morning debating the issue of secession from Yugoslavia. Bosnia's Serbs opposed secession, while Bosnia's Croats and Muslims supported it.

Loud cheers from Muslim parliamentarians greeted Alija Izetbegovic, Bosnia's Muslim leader, when he told the parliament: "There is no place for us in Yugoslavia."<sup>226</sup>

At 3:30 AM the speaker adjourned the parliament, the Serb deputies went home for the night, but the Croatian and Muslim deputies stayed behind and took the debate to a vote in the absence of the Serbian deputies.<sup>227</sup>

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<sup>225</sup> A Soldier's Guide to Bosnia-Herzegovina, US Army Office of the Chief of Public Affairs' -- Europe, 1995

<sup>226</sup> "Bosnia sovereignty vote widens rift," The London Times, October 16, 1991

<sup>227</sup> Ibid.; See Also: Testimony of Colm Doyle (Head of the EC monitoring mission in Sarajevo), Milosevic trial transcript, ICTY, Pg. 25310 - 25314

The vote was unlawful because it was held while the parliament was not in session, nonetheless it resulted in the adoption of the so-called “memorandum on the sovereignty of Bosnia-Herzegovina”.

The adoption of the “Memorandum” was significant because it paved the way for a referendum on Bosnia’s secession from Yugoslavia.<sup>228</sup>

The Serbian Democratic Party (SDS), led by Dr. Radovan Karadzic, said the vote was “an attempted coup” and demanded that the legal order be respected. The SDS issued a statement warning that if the law was not respected “the Serbian people will establish a legal order in keeping with federal regulations and establish their own lawmaking, administrative and judiciary authorities.”<sup>229</sup>

Ultimately, Bosnia’s Serbs did establish their own institutions and on October 24, 1991, Republika Srpska (the Bosnian Serb republic) was founded and Dr. Karadzic was elected president.

Contrary to Western propaganda, Republika Srpska was not created to facilitate the formation of a “Greater Serbia”. The establishment of Republika Srpska was a direct reaction to the unlawful and anti-constitutional behavior of Bosnia’s Croat and Muslim leaders.

Pursuant to the illegal memorandum, a referendum on Bosnia’s secession was held on February 29 and March 1, 1992.

Bosnia’s 1974 Constitution was in force when the referendum was held and its 62nd Amendment regulated changes to Bosnia’s borders and territorial status. It stipulated that any change in Bosnia’s status must be approved by voters in a referendum, and that such a referendum could only pass if two-thirds of all eligible voters voted in favor of it.<sup>230</sup>

The results of the referendum were as follows: Voter turnout was 64.31%. Of the ballots cast, 99.4% voted in favor of secession, 0.29% voted against, and 0.25% of ballots were invalid.<sup>231</sup>

The referendum did not meet the two-thirds threshold mandated by the constitution because the 64.31% voter turnout fell short.

Even though the Bosnian Serbs boycotted the referendum because it was illegal, it is still notable that 99.4% of the ballots were in favor of secession. Such a one-sided result usually indicates vote fraud.

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<sup>228</sup> ICTY Case No. IT-97-24-T, Judgement: Prosecutor v. Milomir Stakic, July 31, 2003, ¶ 5; Exh. S418; Exh. D92, Pg. 26.

<sup>229</sup> “Yugoslavia: Republics Going Their Own Ways,” IPS-Inter Press Service, October 16, 1991

<sup>230</sup> Bosnia-Herzegovina Const. amend. LXII, 1974

<sup>231</sup> “Bosnia-Herzegovina In Brief; Final Results of Referendum on Independence,” *BBC Summary of World Broadcasts*, March 10, 1992; Source: Tanjug in Serbo-Croat 1151 gmt 9 Mar 92

Bosnia's secession from Yugoslavia was illegal on many levels. It was unconstitutional because it violated Article 5 of the Yugoslav Constitution and Article 1 of the Bosnian Constitution. The entire referendum process was the direct result of an unlawful vote in the Bosnian parliament, the voting was probably rigged during the referendum itself, and the voter turnout wasn't high enough for the referendum to pass even if it had been legal.

Recognizing Bosnia's secession was a direct violation of Yugoslavia's sovereignty, a violation of the Helsinki Final Act, and a violation of the UN Charter.

In spite of the clear illegality of Bosnia's secession from Yugoslavia, the European Community recognized Bosnian independence on April 6, 1992. The United States followed suit, recognizing Bosnia's secession the next day.

### **MUSLIM LEADER REJECTS PRE-WAR PEACE AGREEMENT (AFTER ENDORSING IT)**

There was an opportunity to avoid the war. On March 18, 1992, Bosnia's Serb, Croat, and Muslim leaders accepted the Cutileiro peace plan. The agreement was initially supported by: Alija Izetbegovic on behalf of the Muslims; Radovan Karadzic on behalf of the Serbs; and Mate Boban on behalf of the Croats.<sup>232</sup>

The Cutileiro Plan (also known as the Lisbon Agreement) was named for Jose Cutileiro, the Portuguese diplomat appointed by the European Community to bring Bosnia's feuding ethnic groups to the negotiating table.

Under the terms of the Cutileiro Plan, Bosnia would have been divided into three autonomous Swiss-style cantons. The Muslims would govern the canton in which they were the ethnic majority, and the Croats and Serbs would each govern in the cantons where they were in the majority.

By agreeing to the Cutileiro Plan the Bosnian Serbs demonstrated that "Greater Serbia" was not their objective. Under the terms of the Cutileiro plan Bosnia would have been a separate country from Serbia, which negates any possibility of a "Greater Serbia".

When the Cutileiro Plan was agreed to, Radovan Karadzic said, "This is a big day for Bosnia. If we respect what has been agreed, we can say there are no reasons for civil war."<sup>233</sup>

The agreement was ready to be implemented. On March 19th Jose Cutileiro held a press conference at the Sarajevo airport where he stressed that there

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<sup>232</sup> "Progress Made Toward Bosnia-Herzegovina Agreement," United Press International, March 18, 1992

<sup>233</sup> "Bosnia to Be Split Into Three Ethnic Zones," *The Toronto Star*, March 19, 1992: A34

were no obstacles to the plan's implementation since the minor disagreements that had existed were successfully resolved during the negotiations.<sup>234</sup>

Unfortunately, the agreement was never to be implemented. After initially supporting the Cutileiro Plan, Alija Izetbegovic, the leader of the Bosnian Muslims, changed his mind and renounced the agreement.

Ironically, at a press conference on 18 March 1992, SDA spokesman Irfan Ajanovic, said: "If the Serbian Assembly rejects the Cutileiro Plan, it will become evident who is against peace in Bosnia, and it will become evident who wants to trick the European Community and the chairman of the conference."

In paragraph 14 of the judgment against former Bosnian-Serb presidency member Biljana Plaviscic, The Hague Tribunal conceded that "In March 1992 the Bosnian Serbs signed the Cutileiro Plan which provided for a sovereign BH, based upon principles of cantonisation and ethnic identity, but the Bosnian Muslims rejected the plan."<sup>235</sup>

After the Bosnian war ended, Cutileiro wrote a letter to the Economist magazine stating that: "After several rounds of talks our 'principles for future constitutional arrangements for Bosnia and Hercegovina' were agreed by all three parties (Muslim, Serb and Croat) in Sarajevo on March 18th 1992 as the basis for future negotiations. These continued, maps and all until the summer, when the Muslims reneged on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land. To be fair, President Izetbegovic and his aides were encouraged to scupper that deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better".<sup>236</sup>

The "well-meaning outsiders who thought they knew better" were the Americans - specifically Warren Zimmermann, the US ambassador to Yugoslavia.

James Bisset served as Canada's Ambassador to Yugoslavia from 1990 to 1992. He testified at The Hague Tribunal that Izetbegovic had been encouraged by Zimmermann to renounce the Cutileiro Plan.<sup>237</sup>

Bisset wrote: "Within days of [the signing of the Cutileiro Plan], the US Ambassador, Warren Zimmermann flew to Sarajevo and met with Izetbegovic. Upon finding that Izetbegovic was having second thoughts about the agreement he had signed the Ambassador suggested that if he withdrew his signature, the

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<sup>234</sup> "Bosnia-Hercegovina Talks Principles Agreed; Final Decision by New Referendum," *BBC Summary of World Broadcasts*, March 19, 1992; Source: Tanjug in SerboCroat 0838 gmt 18 Mar 92

<sup>235</sup> ICTY Case No. IT-00-39 & 40, Sentencing Judgement: The Prosecutor v. Biljana Plavsic, February 27, 2003: ¶ 14

<sup>236</sup> Jose Cutileiro, *The Economist*, December 9-15, 1995, Pg. 6

<sup>237</sup> Milosevic trial transcript, ICTY, February 24, 2006, Pg. 48790

United States would grant recognition to Bosnia as an independent state. Izetbegovic then withdrew his signature and renounced the agreement."<sup>238</sup>

*The New York Times* also identified Zimmermann as the man who talked Izetbegovic out of the peace agreement. It reported "Immediately after Mr. Izetbegovic returned from Lisbon, Mr. Zimmermann called on him in Sarajevo. The Bosnian leader complained bitterly that the European Community and Bosnian Serbs and Croats had pressured him to accept partition.

" 'He said he didn't like it', Mr. Zimmermann recalled. 'I told him, if he didn't like it, why sign it?'

"In retrospect, Mr. Zimmermann said in a recent (1993) interview, 'the Lisbon agreement wasn't bad at all.'

"But after talking to the Ambassador, Mr. Izetbegovic publicly renounced the Lisbon agreement."<sup>239</sup>

## **THE MUSLIMS PREPARE FOR BOSNIAN SECESSION THROUGH WAR**

Alija Izetbegovic probably didn't need a lot of encouragement to renounce the Cutileiro Plan. There is ample evidence that he was planning to go to war anyway.

On February 7, 1991, Alija Izetbegovic stood in front of the Bosnian parliament and said point-blank: "I would sacrifice peace for a sovereign Bosnia-Herzegovina... but for that peace in Bosnia-Herzegovina I would not sacrifice sovereignty."<sup>240</sup>

In addition to coming right out and saying that he would wage a war to achieve Bosnia's secession, Izetbegovic made no secret of the fact that he was establishing Muslim paramilitary units to fight for Bosnia's secession from Yugoslavia.

The first Muslim paramilitary group to be established was the Patriotic League. In 1998, Halid Cengic - a high level official in Izetbegovic's Party of Democratic Action (SDA) - gave an interview to "Ljiljan", the official newspaper of the SDA. In that interview he said that the first Patriotic League unit was established in the Bosnian town of Foca in 1990.

Chengic said, "Already on August 1, 1990, we had a platoon armed with automatic weapons, a machine-gun and a mortar. They all had camouflage uni-

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<sup>238</sup> James Bisset, "Western Interference," October 25, 2006, <<http://www.deltax.net/bissett/western/bosnia.htm>>

<sup>239</sup> "US Policymakers on Bosnia Admit Errors in Opposing Partition in 1992," *The New York Times*, August 29, 1993

<sup>240</sup> Richard Holbrooke, *To End A War*, (New York, Random House, 1998), p. 32

forms and they pledged their allegiance in the Ustikolina mosque, with their hands on the Koran. The deceased Husein Cavrak, a BH Army major decorated with a Golden Lily award was the unit commander. He was killed on Preljuca near Gorazde.”<sup>241</sup>

The establishment of the Patriotic League throughout Bosnia-Herzegovina came shortly after Izetbegovic’s speech to the Bosnian parliament. Muslim activists meeting at a mosque in the town of Souk Bunar near Sarajevo resolved on the 31st of March 1991 that the Patriotic League should be established on a large scale.<sup>242</sup>

On June 10 1991, nearly one year before the war broke out, the Bosnian Muslims officially established the Patriotic League. In its judgment in the Stakic case, The Hague Tribunal found that “In anticipation of Bosnian-Serb resistance, the Bosnian-Muslim leadership founded the paramilitary organization, the Patriotic League. In June 1991 the SDA created the National Defense Council whose task was to guide the work of the Patriotic League.”<sup>243</sup>

In addition to the Patriotic League, the Green Berets were another paramilitary organization created by Muslim leaders in 1991.<sup>244</sup>

By the spring of 1992, the Green Berets were reported to have had more than 80,000 Muslims under arms in Bosnia.<sup>245</sup>

The fact that the Muslims were setting up paramilitary formations in the years and months before the war shows that their intention was always to wage a war against Yugoslavia. Croatia and Slovenia hadn’t even declared independence before the Muslims were setting up their armed units.

Unlike the Bosnian Muslims, the Bosnian Serbs didn’t have their own military force until after the Yugoslav People’s Army (JNA) withdrew from Bosnia in May of 1992. In light of these simple facts, the Western thesis of blaming the Serbs for the Bosnian war strains credulity.

## **ALIJA IZETBEGOVIC, OSAMA BIN LADEN, AND THE IRANIAN REGIME**

When the Americans and the Europeans recognized Bosnia as an independent country in April of 1992, they also recognized Alija Izetbegovic as its head of

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<sup>241</sup> Interview by Halid Cengic, Ljiljan (Sarajevo), May 18-25, 1998; See Also: ICTY Case No. IT-97-25-T, the Prosecutor v. Krnojelac, Exhibits D18 & 18A

<sup>242</sup> Testimony of Srdja Trifkovic (Expert Witness), Stakic trial transcript, ICTY, March 14, 2003; Pg. 13643- 13645

<sup>243</sup> ICTY Case No. IT-97-24-T, Judgement: Prosecutor v. Milomir Stakic, July 31, 2003; ¶ 33

<sup>244</sup> ICTY Case No. IT-96-21-T, Judgement: Delalic et al., Part II (Background and Preliminary Factual Findings), November 16, 1998; ¶119

<sup>245</sup> “Bosnia Teetering on the Brink of a Bloodbath,” Evening Standard (London), March 4, 1992

state. Izetbegovic was an Islamic fundamentalist who worked directly with Osama bin Laden and the Iranian government to bring Islamic terrorists from around the world to fight in Bosnia.

Because they recognized him as the “President of Bosnia-Herzegovina,” the Western political establishment actively tries to deny the fact that he was an Islamic fundamentalist. In January 2006, the US Institute of Peace (USIP) held a conference entitled “Explaining the Yugoslav Catastrophe; The Quest for a Common Narrative”.

The result of the USIP’s “quest” was a briefing paper, which dutifully regurgitated Western propaganda blaming the war on Slobodan Milosevic. The USIP’s paper asserts that “The Bosnian-Serb claim that Izetbegovic was a fundamentalist [is] unfounded,”<sup>246</sup> but the facts tell a different story.

During World War II, Izetbegovic joined the Young Muslims, a group torn between siding with the German-sponsored Handzar divisions organized by the Nazi SS or with the Partisans led by Josip Broz Tito. Izetbegovic supported the Handzars. After Tito’s government was established in 1946, a military court sentenced Izetbegovic to three years in prison for his wartime activities. [David Binder, “Alija Izetbegovic, Muslim Who Led Bosnia, Dies at 78,” *The New York Times*, October 20, 2003]

In 1970 Izetbegovic wrote a book entitled *The Islamic Declaration*, which he published in Sarajevo in 1990. In his book he advocates Sharia law and the establishment of “a united Islamic community from Morocco to Indonesia”. He wrote that the establishment of an Islamic order was his “incontrovertible and invincible aim”. In Izetbegovic’s view “the Islamic movement should and can, take over political power as soon as it is morally and numerically so strong that it cannot only overturn the existing non-Islamic power, but also build up a new Islamic one”. He branded Western feminists “a depraved element of the female sex” and said, “There can be neither peace nor coexistence between the Islamic faith and non-Islamic social and political institutions”.<sup>247</sup>

Izetbegovic went on to argue that the “means of mass influence -- the press, radio, television and film -- should be in the hands of people whose Islamic, moral, and intellectual authority is indisputable.” And he believed that “casinos, night clubs, dance halls and all other forms of entertainment incompatible with the moral tenets of Islam” should be banned.

Hasan Cengic was Alija Izetbegovic’s military commander during the war. In 1983, Izetbegovic and Cengic were sent to prison for trying to incite an Islamist

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<sup>246</sup> Ylli Bajraktari & Daniel Serwer, USIPeace Briefing, January 2006

<sup>247</sup> Alija Izetbegovic, *The Islamic Declaration*, (Sarajevo, 1990), Pg. 5, 30, 37, 39, 47, 56



rebellion against Yugoslavia. The judgment convicting them was entered into evidence during the Ratko Mladic trial at the ICTY.<sup>248</sup>

According to the 1983 trial judgment, “Alija Izetbegovic asserted that Islam must be a state system or social system in all countries where the population is Muslim, and that the necessary conditions should be created to turn Bosnia and Herzegovina into an Islamic republic with Islamic laws.”

The judgment quoted Izetbegovic as saying, “Our imams should be armed and they should interpret and apply Islam following the example of Iran’s Shiite imams.”

The judgment quoted Cengic saying that “Jihad should be pursued to its final outcome in order to exterminate the enemy and the infidels.” He said, “We should not wait for a challenge or a provocation. Muslims must invent a challenge. They must be the ones who produce the challenge, and the goal will then come by itself.”

According to Cengic, “The goal of the Islamic revolution in our country is the creation of a unified Islamic state comprising the area of Bosnia-Herzegovina, Sandzak, and Kosovo.”

The judgment quoted him admonishing Muslims, “do not take an infidel as your friend. Do not be friends with your fathers or your brothers if they favor the absence of our faith.” He said, “A Muslim woman should not nurse the children of a non-Muslim woman. A Muslim cannot receive the blood of or give blood to a non-believer. Muslims must be superior to all others, and every effort should be made to create an environment in which everyone will be of pure Muslim blood.”

In 1993 and 1994, two Western reporters eye-witnessed Osama bin Laden visiting Izetbegovic’s offices in Sarajevo.

According to the German author Jürgen Elsaesser, Renate Flottau (Der Spiegel’s correspondent for the Balkans) told him that she had personally seen Bin Laden on two different occasions at Izetbegovic’s Sarajevo office in 1993/94.<sup>249</sup>

Eve-Ann Prentice, a reporter for the London Times and the Guardian, testified under oath that she had seen Osama bin Laden being escorted into Izetbegovic’s Sarajevo office in November 1994.<sup>250</sup>

According to the 9/11 Commission’s report, four of the September 11th terrorists had fought in Bosnia on the side of the Muslims: Khalid Sheikh Mohammed, Nawaf al Hazmi, Salem al Hazmi, and Khalid al Mihdhar.<sup>251</sup>

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<sup>248</sup> Ratko Mladic trial exhibit D01532, D01532.E (English translation), District Court of Sarajevo Judgment from 20 January 1983

<sup>249</sup> “Bosnia and the Islamic Jihad in Europe,” M. Bozinovic’s Interview with Jürgen Elsaesser, May 2005

<sup>250</sup> Milosevic trial transcript, ICTY, February 3, 2006; Pg. 47949

The 9/11 Report asserts that “The groundwork for a true global terrorist network was being laid” thanks in part to Bin Laden’s Bosnian connections. The report found that “Bin Laden’s impressive array of offices covertly provided financial and other support for terrorist activities. The network included a major business enterprise in Cyprus; a ‘services’ branch in Zagreb; [and] an office of the Benevolence International Foundation in Sarajevo, which supported the Bosnian Muslims in their conflict with Serbia and Croatia.”<sup>252</sup>

In addition to Izetbegovic’s connections to Osama bin Laden, he maintained a strong relationship with the Iranian government, which the US State Department claims is the world’s “most active state sponsor of terrorism”.<sup>253</sup>

In 1996, just after the Bosnian war ended, the US Congress launched an investigation into America’s role in Iranian arms transfers to Croatia and Bosnia. The investigation found that the Iranian government had provided two-thirds of the Bosnian Muslims’ military hardware.<sup>254</sup>

According to the report issued by the US House Committee on International Relations, “Iran ordered senior members of its Iranian Revolutionary Guard Corps (“IRGC”), the elite force used to advance militant Islam, to travel to Bosnia to survey the military needs of the government. IRGC trainers taught the Muslims how to use anti-tank missiles and helped with troop logistics and weapons factories. The IRGC also incorporated religious indoctrination into military training. Iran used this leverage to urge Hizballah to send foreign fighters to the region as members of the Mujahideen. The effort was successful and a force of thousands drawn from several pro-Iranian groups and other Islamic Opposition movements assembled in Bosnia.”<sup>255</sup>

## **CROAT AND MUSLIM AGGRESSION PROVOKED WAR IN BOSNIA**

In the beginning of the Bosnian war, the Croats and the Muslims allied to attack the Serbs and the Yugoslav People’s Army (JNA).

The early Croatian attacks were stronger than the Muslim ones because it was in the interest of the Croatian Government to provoke fighting in Bosnia in order to force the JNA to divert resources away from the war in Croatia.

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<sup>251</sup> The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks Upon the United States, Official Government ed.; Pg. 147, 155

<sup>252</sup> Ibid.; Pg. 58

<sup>253</sup> US State Department, Country Reports on Terrorism, The Office of the Coordinator for Counterterrorism, April 28, 2006; Chapter 6

<sup>254</sup> US House of Representatives Committee on International Relations, Final Report of the Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia (“The Iranian Green Light Subcommittee”); October 10 & 25, 1996; Pg. 543

<sup>255</sup> Ibid.; Pg. 543-545

Nikola Gardovic, a Serb, was the first civilian victim of the Bosnian war. He was the father of the groom in a Serbian wedding party that was attacked by Muslims in Sarajevo on March 1, 1992 during the referendum on Bosnia's secession from Yugoslavia.

Eyewitnesses identified Gardovic's killer as Ramiz Delalic "Celo", the commander of a Green Berets paramilitary unit in Sarajevo.<sup>256</sup>

In spite of warrants issued for his arrest by the Bosnian Interior Ministry, Delalic was appointed to the command of the Stari Grad police department in Sarajevo. He was also appointed to the command of the 3rd Mountain Brigade and the 9th Motorized Brigade of the Bosnian-Muslim Army.<sup>257</sup>

The Bosnian Muslims behaved in a similar manner as the Croats did when Croatia declared its independence. When they made up their minds to secede from Yugoslavia, they proclaimed the JNA to be an "occupying" army on its own territory. Their common enemy was Yugoslavia and the Serbian population.

Croat and Muslim paramilitaries precipitated the fighting in Bosnia-Herzegovina by attacking the JNA and carrying out massacres in Bosnian-Serb villages. Their early actions forced the JNA and the Bosnian Serbs to retaliate in self-defense.

Case in point: Bosnian Croats directed machine-gun fire against the JNA barracks in Capljina from the direction of the town's railway station on the night of 8-9 March, 1992.<sup>258</sup>

On March 27, 1992, in the town of Sijekovac, 14 Serbian civilians were massacred.<sup>259</sup> The massacre in Sijekovac provoked a refugee crisis in northern Bosnia as terrified Serbs fled their homes en masse. There were even reports of Serb

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<sup>256</sup> Testimony of Ramiz Delalic "Celo", Halilovic trial transcript, ICTY, May 17, 2005: Pg. 11; See Also: "Sarajevo Court to Renew Proceedings on Murder that Precipitated Bosnian War," BBC Worldwide Monitoring, February 1, 2002; Source: Federation news agency, Sarajevo, in Serbo-Croat 0930 gmt 1 Feb 02

<sup>257</sup> "Other Reports on Bosnia-Herzegovina; Bosnian Interior Ministry Issues Arrest Warrant for Wedding Killing," *BBC Summary of World Broadcasts*, March 5, 1992; Source: Yugoslav News Agency in Serbo-Croat 1900 gmt 3 Mar 92; See Also: Testimony of Ramiz Delalic "Celo", Halilovic trial transcript, ICTY, May 17, 2005: Pg. 12

<sup>258</sup> "Other Reports on Bosnia-Herzegovina; Herzegovina JNA Corps Warns Against Provocations in Capljina Area," *BBC Summary of World Broadcasts*, March 11, 1992; Source: Radio Belgrade 1400 gmt 8 Mar 92 Radio Belgrade reported on the 9th (1100 gmt).; See Also: "Shooting in Capljina Between Croatian Forces and JNA; Croats and Serbs," *BBC Summary of World Broadcasts*; March 9, 1992, Section: Part 2 Eastern Europe; C. Special Supplement; Yugoslavia; EE/1324/C1/ 1

<sup>259</sup> "Armed Clashes in Bosnia-Herzegovina Serbian Families Reportedly Massacred," *BBC Summary of World Broadcasts*, March 28, 1992; See Also: "Death Visits Bosnian Town," *The Associated Press*, March 28, 1992

civilians taking up hiding places in the woods to save themselves from the slaughter.<sup>260</sup>

The murder of Nikola Gardovic, the massacre of Serbian civilians in Sijekovac, and attacks on JNA barracks, all of which occurred in March 1992, are only some of the events that forced the Bosnian Serbs to go to war. Suada Dilberovic, the first non-Serb civilian to die, wasn't killed until April 6, 1992.<sup>261</sup>

The war was the direct result of Croat and Muslim aggression against the Bosnian Serbs and the JNA, not, as they would have people believe, the other way around.

## **THE YUGOSLAV PEOPLES ARMY (JNA) AND THE BOSNIAN-SERB ARMY (VRS)**

Starting in 1991, the Muslims and Croats deserted the JNA en masse to join secessionist paramilitary groups. The only ones remaining in the JNA were the Serbs and a handful of non-Serbs who remained loyal to Yugoslavia.

On August 23, 1991, while Yugoslavia was still an internationally recognized state, Bosnia's Defense Ministry (under Izetbegovic's control) ordered JNA recruits to disregard draft notices sent out by the federal army.<sup>262</sup>

Under international pressure to recognize Bosnian secession from Yugoslavia, the JNA officially withdrew from Bosnia-Herzegovina on May 19, 1992. However, JNA soldiers who already lived in Bosnia didn't have anywhere to go since they were in their own republic. They remained in Bosnia with the JNA's equipment, and since the soldiers were overwhelmingly Serbs (by virtue of mass desertion by non-Serbs), they established the Bosnian-Serb Army (VRS).

When the JNA left Bosnia, the Muslims and Croats found themselves outgunned by the Bosnian Serbs. The JNA was one of the largest armies in Europe, so when it left its equipment behind, the Bosnian Serbs became the best-armed faction in the war.

When the Muslims realized that they were at a military disadvantage, they tried to take the JNA's equipment away from the Bosnian Serbs. JNA conscripts found themselves under siege in barracks throughout Bosnia-Herzegovina as

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<sup>260</sup> "Fighting in Bosnia-Hercegovina in Brief; Karadzic Blames Izetbegovic For Refugee Crisis in Northern Bosnia," *BBC Summary of World Broadcasts*, March 31, 1992; Section Part 2 Eastern Europe; C. Special Supplement; Yugoslavia; EE/1343/C1/ 1

<sup>261</sup> "Sarajevo's Decade of War and Peace," BBC News Online, April 9, 2002, <<http://news.bbc.co.uk/2/low/europe/1918998.stm>>

<sup>262</sup> "Bosnia-Hercegovina and the JNA; Bosnia-Hercegovina Defence Ministry Calls On Recruits Not To Heed JNA Call-Up," *BBC Summary of World Broadcasts*, January 16, 1992; Section: Part 2 Eastern Europe; C. Special Supplement; Yugoslavia; EE/1279/C1/ 1

the Muslims frantically attempted to hold them hostage in exchange for weapons.

On May 3, 1992, Muslim Green Berets massacred a column of JNA soldiers on Dobrovoljacka Street in Sarajevo as they were attempting to withdraw from Bosnia towards Serbia. The attack was all the more insidious because the Muslims launched the attack after they had promised to let the soldiers pass peacefully.<sup>263</sup>

Dobrovoljacka Street wasn't the only instance in which Muslims massacred departing JNA soldiers. There were several such incidents, but the biggest happened on May 15 1992 on Skojevka Street in Tuzla when members of the Muslim Patriotic League killed 80 JNA soldiers.<sup>264</sup>

On May 28 1992, as the JNA was attempting to pull its last troops out of Bosnia, Croatian and Muslim paramilitaries launched attacks against the Jusuf Dzonlic barracks and the Marshal Tito barracks in Sarajevo.<sup>265</sup>

The Muslims had been blockading the soldiers in the Marshal Tito barracks since May 13, 1992, demanding that the JNA give up its weapons.<sup>266</sup>

The infamous "Siege of Sarajevo" began as an operation to rescue JNA soldiers being held captive by the Muslim paramilitaries in the Marshal Tito barracks.<sup>267</sup>

## **SELF-INFLICTED ATROCITIES TO GAIN WESTERN SYMPATHY AND NATO INTERVENTION**

Because they were outgunned by the Bosnian-Serb Army, there was no way for the Muslims to prevail on the battlefield. Alija Izetbegovic admitted as much when he said, "We cannot beat the Serbs militarily, so we must do everything to make sure that the international community gets involved on our side."<sup>268</sup>

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<sup>263</sup> Testimony of Philippe Morillon (Bosnia UN Protection Force Commander), Milosevic Trial transcript, ICTY, February 12, 2004; Pg. 31996

<sup>264</sup> Republic of Srpska Government Documentation Center, "War Crimes in BH Committed Against the Serbs and JNA Before Armed Conflicts and During 1992" Banja Luka, August 2001; Victims listed on Pg. 68

<sup>265</sup> "Yugoslav Army Troops Attacked on Leaving Sarajevo Barracks," *BBC Summary of World Broadcasts*, May 29, 1992; Section: Part 2 Eastern Europe; A. International Affairs; 2. Eastern Europe; EE/1393/ i

<sup>266</sup> "Bosnia-Herzegovina Territorial Defence Reviews Security Situation," *BBC Summary of World Broadcasts*, May 15, 1992, Source: Bosnia-Herzegovina Radio, Sarajevo 1300 gmt 13 May 92

<sup>267</sup> Testimony of Philippe Morillon (Bosnia UN Protection Force Commander), Milosevic Trial transcript, ICTY, February 12, 2004; Pg. 31995-31996

<sup>268</sup> Karadzic trial exhibit D04374.E, Statement of protected witness KW-586 quoting Izetbegovic

In order obtain foreign intervention, the Muslims sought to portray the war as a “genocidal aggression” by the Bosnian Serbs. In doing so, they successfully conned Western public opinion into supporting a NATO “humanitarian intervention” in Bosnia on their behalf.

Of course, NATO didn’t intervene in Bosnia because of some high-minded concern about human rights. NATO’s objective was simply eastward expansion and political control.

To obtain foreign intervention, the Muslims used two strategies. Their first strategy was to provoke Serbian fire against their own civilians by shooting at the Serbs from facilities like hospitals, schools, and mosques. Their second strategy was to deliberately fire on their own civilians and blame the Serbs.

The first self-inflicted Muslim atrocity was carried out on April 6, 1992. Muslim snipers fired on a peace rally in front of the Holiday Inn hotel in Sarajevo killing Suada Dilberovic. In spite of Serbian denials, it was widely reported that members of Radovan Karadzic’s Serbian Democratic Party (SDS) had been behind the shooting.

On February 17 2003, prosecutors at The Hague Tribunal called a former Yugoslav counter-intelligence officer named Aleksandar Vasiljevic to testify against Slobodan Milosevic.

Vasiljevic testified that Yugoslav KOS agents had evidence including intercepted Muslim radio communications and a videotape proving “beyond any doubt” that it was members of the Muslim Green Berets who had perpetrated the shooting, not members of Karadzic’s SDS.<sup>269</sup>

Col. Richard Gray of New Zealand testified that he too had witnessed the Bosnian Muslims killing their own people. He served as the Senior UN Military Observer for Sector Sarajevo in 1992.

On 13 July 1992, mortars were fired at the PTT building in Sarajevo killing and wounding several teenagers who had gathered nearby while Canadian soldiers were throwing candy to them from the roof of the building.

Col. Gray was at the scene and believes the shells were fired by the Muslims against their own people. He testified that, “My artillery and my mortar officer did an examination of the mortar craters using their compass and the technology that we had available to us. They drew a line from where the mortar rounds impacted and it went through a Bosnian Muslim position, then through a Serb-controlled area, into a Bosnian area, then into a Serb area. And they drew the line to the full extent that that weapon is able to fire from.” He said that based on “the accuracy with which those bombs landed, we determined that it was more likely that they had been fired from a shorter range rather than a longer range” and that “it was our assessment that there was no

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<sup>269</sup> Milosevic Trial transcript, ICTY, February 17, 2003; pg. 16235 - 16239

Serb position that would have line of sight to actually see those teenagers at the base of the PTT.”<sup>270</sup>

In his witness statement, Col. Gray said that “It became routine for Bosnian government forces to shell the area around the Presidency building whenever a foreign dignitary arrived. This occurred on 17 July 1992 when British Foreign Secretary Douglas Hurd visited the Presidency. On this occasion ten bystanders were killed or wounded. I was present during this event and actually witnessed the mortar bombs exploding.” He said, “I heard the primary charge from the mortar go off when I was in front of the Presidency. The mortars were fired from no more than 200 meters away. The mortar bombs had to come from the Presidency side.”<sup>271</sup>

Col. Gray also recounted the same incident during his court testimony. He said, “The Bosnian police moved away from the impact area prior to the mortar bombs landing. I had been talking to two ABiH officers on the front steps and they looked at their watch and they moved inside the Presidency building and closed the door behind them, leaving me standing by myself on the front steps and then the mortar bombs landed.” He said, “An ambulance appeared on the scene almost immediately and there were camera crews on the scene almost immediately to record the poor wounded and dead people. And that one incident proved beyond all possible doubt that the Presidency were killing their own people for the sake of the media, and I stand by that.”<sup>272</sup>

The Serbs were blamed for the 1992 “Breadline Massacre” in Sarajevo, but *The London Independent* reports that “United Nations officials and senior Western military officers believe some of the worst killings in Sarajevo, including the massacre of at least 16 people in a bread queue, were carried out by the city’s mainly Muslim defenders - not Serb besiegers - as a propaganda ploy to win world sympathy and military intervention ... In classified reports to the UN force commander, General Satish Nambiar, concluded ... that Bosnian forces loyal to President Alija Izetbegovic may have detonated a bomb. ‘We believe it was a command-detonated explosion, probably in a can,’ a UN official said then. ‘The large impact which is there now is not necessarily similar or anywhere near as large as we came to expect with a mortar round landing on a paved surface.’”<sup>273</sup>

Lewis MacKenzie, the Canadian general in charge of UN peacekeeping troops in Sarajevo wrote that “Our people tell us there were a number of things that didn’t fit. The street had been blocked off just before the incident. Once the

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<sup>270</sup> Karadzic Trial Transcript, 8 November 2012, Pg. 29980-29981

<sup>271</sup> Witness statement of Col. Richard Gray, Karadzic trial exhibit D02398

<sup>272</sup> Karadzic Trial Transcript, 8 November 2012, Pg. 29990

<sup>273</sup> “Muslims ‘slaughter their own people’,” *The Independent* (London), August 22, 1992

crowd was let in and had lined up, the media appeared but kept their distance. The attack took place, and the media were immediately on the scene.”<sup>274</sup>

Echoing what General MacKenzie had written in his book, a member of Izetbegovic’s security detail testified at the UN war crimes Tribunal how the Muslim side would typically stage a provocation. He said, “The police would close the crossroads to traffic for about 10 minutes, then some mortar shells would be fired from the crossroads towards the Serbian positions from the chassis of a smaller truck. The truck would then pull out of the crossroads, traffic would start flowing again and some 10 minutes after the shells were fired, most probably once the Serbian positions determined where the fire had come from, they would open fire from their positions, which was always stronger than ours had been. When the Serbian shells would land the crossroads would be open for civilian traffic and people would get hurt.”

He went on to explain that “Whenever shelling like this was provoked TV crews and journalists would be close by. Since this became a pattern, all of us soon knew that we should not be close to any location where there were TV crews or journalists because as a rule, within a short period of time, something would happen in their vicinity from which people could get hurt.”<sup>275</sup>

The February 1994 Markale Market massacre, which killed 68 people was attributed to the Bosnian Serbs, even though a UN investigation “established beyond doubt” that “the shell was fired less than a mile from the explosion, well within the Bosnian [Muslim] sector.”<sup>276</sup> US Secretary of State Madeleine Albright reportedly suppressed the UN ballistics report.<sup>277</sup>

David Owen, the former British Foreign Secretary who served as the EU’s special negotiator for Bosnia, wrote that “a senior ballistic expert in Zagreb studied a map of likely trajectory patterns produced by UN investigators in Sarajevo and believed the angle at which the mortar had hit the roof of the market stall indicated that the firing point was more likely to be 1,100 – 2,000 meters from the impact rather than 2,000-3,000 meters, and that this would tend to indicate that the mortar had been fired from a Bosnian army position. When this highly charged information reached the UN in New York on Tuesday everything was done to clamp down on the number of people who saw it so as to reduce the chance of press leak.”<sup>278</sup>

The same member of Izetbegovic’s security detail was present when Izetbegovic and his generals planned the attack on the Markale market. He testified

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<sup>274</sup> Maj. Gen. Lewis MacKenzie, *Peacekeeper: The Road to Sarajevo*, (Vancouver, Douglas & McIntyre Ltd., 1993) p. 193-194

<sup>275</sup> Karadzic trial exhibit D04374.E, Statement of protected witness KW-586

<sup>276</sup> UN Tracks Source of Fatal Shell,” *The London Times*, February 19, 1994

<sup>277</sup> Congressional Press Releases, “Extended Bosnia Mission Endangers U.S. Troops,” U.S. Senate RPC, Washington D.C., January 16, 1997

<sup>278</sup> Lord David Owen, *Balkan Odyssey* (London, Mariner Books, 1997) p. 260-261



that “There was talk for a few days about all the things that could happen if a shell were to fall on Markale, because the market was full of people. This conversation was between the President, the Reis-ul-ulema and others present in the bank among them Sefer Halilovic, Mustafa Hajrulahovic and others and I heard them personally.

“A day or two after this, a meeting of the same people was held, at which Mustafa Hajrulahovic and Sefer Halilovic were explaining that our shell had been fired from our positions from the direction of Spicasta Stena under Mrkovici village where the Serbian artillery was located, so that the Serbs would be suspects. However, due to poor calculations, this shell fell onto a roof close to the market itself. It was agreed to try again but Sefer and Italijan said that they had to wait for the same UNPROFOR team to be stationed there, I think they were from Pakistan or some similar country. They had some kind of agreements with them that they would not register the firing of missiles from our positions. Soon after, two or three days after this meeting, a shell impacted at the Markale market.”<sup>279</sup>

The Bosnian Serbs were blamed for a number of sniping incidents in Sarajevo, and in 1995 a squadron of French UN troops was tasked to investigate.

*The New York Times* reported that “French peacekeeping troops in the United Nations unit trying to curtail Bosnian-Serb sniping at civilians in Sarajevo have concluded that until mid-June some gunfire also came from [Bosnian-Muslim] Government soldiers deliberately shooting at their own civilians. After what it called a ‘definitive’ investigation, a French marine unit that patrols against snipers said it traced sniper fire to a building normally occupied by Bosnian [Muslim] soldiers and other security forces. A senior French officer said, ‘We find it almost impossible to believe, but we are sure that it is true.’”<sup>280</sup>

UN military observers at the Kosevo Hospital, the largest medical center in Sarajevo, witnessed Muslim troops deliberately provoking retaliatory fire against the hospital.

David Owen wrote that “An UNMO (United Nations Military Observer) team near Kosevo hospital in Sarajevo had witnessed a Bosnian government mortar crew set up in the grounds of the hospital and fire over the hospital into a Serb area. They had quickly packed up and gone, only for the UNMOs to see a television crew arrive and then record the retaliatory Serb shelling of the hospital.”<sup>281</sup>

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<sup>279</sup> Karadzic trial exhibit D04374.E, Statement of protected witness KW-586

<sup>280</sup> “Investigation Concludes Bosnian Government Snipers Shot at Civilians,” *New York Times*, August 1, 1995

<sup>281</sup> Lord David Owen, *Balkan Odyssey* (London, Mariner Books, 1997) p. 164

According to Philippe Morillion, the French general commanding the UN force in Bosnia from 1992 to 1993, the Muslims “very frequently used mortars at Kosevo for provocation purposes”.<sup>282</sup>

Morillion was so outraged by the practice that he wrote a letter of protest to Alija Izetbegovic after one particularly egregious incident in 1993. He wrote that on January 11 1993, “[an] 82-milimeter mortar had been set up on the western side of the Kosevo Hospital within the hospital grounds. This mortar and its crew then proceeded to fire nine rounds using the hospital as a screen. The direct consequence of this disreputable and cowardly act was that shortly afterward the hospital came under fire from anti-aircraft gunfire, artillery fire, and mortar fire ... You will, I’m sure, be aware that the firing of weapons from the hospital is against the Geneva Convention.”<sup>283</sup>

Michael Rose, the British General who took Morillion’s place as the UN Protection Force commander wrote in his book that “The Muslims opened fire at the Serbs, hoping that they would respond with blows against built-up areas which would be another cause for the international community to condemn the Serbs and take their side. History will be the best judge of the Muslim leaders for resorting to such inhumane tactics.”

During his testimony as a prosecution witness at the Milosevic trial, David Harland, the UN’s Under-Secretary-General for Peacekeeping in Bosnia, confirmed that between March 28 1993 and April 27 1994, the Muslim side violated UN-brokered cease-fires in Sarajevo 514 times.

He said, “The Muslims certainly understood that when they fired out of the city that [it] would provoke incoming Serb fire, which would make normal life in the city impossible.”<sup>284</sup>

Ultimately, the Bosnian Muslims did achieve NATO intervention against the Bosnian Serbs. The incident that provided the final pretext for NATO to start bombing was a second attack on Sarajevo’s Markale market.

On August 28, 1995, a mortar shell again hit the Markale market, killing 38 people and wounding 75. The Serbs were blamed and two days later NATO launched a massive saturation bombing campaign against the Bosnian Serbs in retaliation for the massacre. At the time of the attack, it was the largest military operation in NATO’s 46-year history.<sup>285</sup>

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<sup>282</sup> Testimony of Philippe Morillon (Bosnia UN Protection Force Commander), Milosevic Trial transcript, ICTY, February 12, 2004; Pg. 32047

<sup>283</sup> Philippe Morillon’s letter of protest to Alija Izetbegovic, January 19, 1993; Milosevic trial exhibit D-147

<sup>284</sup> Milosevic Trial transcript, ICTY, November 5, 2003; Pg. 28675

<sup>285</sup> “Bosnian Serbs Shell Sarajevo Market; NATO Bombs Serb Targets in Retaliation; Strikes Are Largest NATO Action Ever; Other Developments,” Facts on File World News Digest, August 31, 1995

Two months after the fact, London's Sunday Times newspaper interviewed a group of British ammunition experts who served on the UN crater analysis team that examined the scene in Sarajevo. They said that they "found no evidence that Bosnian Serbs had fired the lethal mortar round" and that they "suspected that the Bosnian government army might have been responsible". They told the Sunday Times that French analysts who had also examined the scene agreed with them. But that they had been overruled by a senior American officer in the UN.<sup>286</sup>

The Nation magazine reported that "[a] crucial UN report [blaming the Serbs for] the market massacre is a classified secret, but four specialists - a Russian, a Canadian and two Americans - have raised serious doubts about its conclusion, suggesting instead that the mortar was fired not by the Serbs but by Bosnian government forces." A Canadian officer "added that he and fellow Canadian officers in Bosnia were 'convinced that the Muslim government dropped both the February 5, 1994, and the August 28, 1995, mortar shells on the Sarajevo market.' An unidentified US official 'contends that the available evidence suggests either 'the shell was fired at a very low trajectory, which means a range of a few hundred yards - therefore under [Muslim] government control,' or 'a mortar shell converted into a bomb was dropped from a nearby roof into the crowd.'"<sup>287</sup>

At the time of the second Markale attack, Col. Andrey Demurenko was the Chief of Staff of the Sarajevo sector of the UN Protection Force in Bosnia, and he launched his own investigation. He told judges at the UN War Crimes Tribunal that "There was just one conclusion. The result of the investigation indicated that the Serbs could not have fired the shell in that incident. The Serbs did not do it. Rather, the army of Republika Srpska did not do it."<sup>288</sup>

He testified that he had "visited all possible firing positions along the azimuth" where the shell could have been fired on the Serbian side of the confrontation line. His team found that "it was either not possible to use mortars in that terrain or there were no traces of mortar use." He said, "it was and it is still my position that neither the locations visited nor the terrain encompassed within the margin of deviation radius that I saw with my own eyes were occupied by mortars on 28 August 1995."<sup>289</sup>

In addition to shelling, sniping, and deliberately provoking retaliatory fire against their own civilian population, the Bosnian Muslim authorities sought to exacerbate the hardship endured by their own people by sabotaging repairs

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<sup>286</sup> "Serbs 'not guilty' of Massacre," Sunday Times (London), October 1, 1995

<sup>287</sup> "Bosnia's Bombers," The Nation, October 2, 1995

<sup>288</sup> Dragomir Milosevic trial transcript, 5 July 2007, pg. 7693

<sup>289</sup> Karadzic trial exhibit D02270, Amalgamated Witness Statement of Andrey DEMURENKO, 13 October 2012

that would have restored vital utilities like water and electricity to the suffering residents of Sarajevo.

Pyers Tucker, a British officer posted to the UNPROFOR command headquarters as the assistant to Gen. Morillon, told the war crimes Tribunal that "all sorts of tricks were used in order to prevent the repairs from taking place" because "there were elements within the Bosnian leadership who believed that the only way to take back that which had been taken from them by the Bosnian Serbs, that could only happen by either international intervention in Bosnia or by the provision of arms and ammunition to Bosnia, which was not possible at that time because of the arms embargo. Those people believed that the only way to secure such international assistance was to depict the situation in Sarajevo to be so severe that the international community would be willing to intervene. Therefore, it was not in their interest to see any improvement in the situation in Sarajevo. It was not in their interest to see the lot of the civilian population improve. To put it bluntly, the more suffering, the better because that played to the television cameras and would ultimately lead to the pressure that they wanted in order to achieve international intervention."<sup>290</sup>

A UN officer who attempted to repair the electrical utilities in Sarajevo also testified that the Bosnian Muslims opened fire on the repair crews to prevent the utilities from being restored.<sup>291</sup>

## THE DEATH TOLL OF THE BOSNIAN WAR

Muslim efforts to exacerbate the suffering of their own people were accompanied by wildly inflated estimates of the civilian death toll. Western journalists and policymakers routinely claimed that between 250,000 and 300,000 civilians had been killed in the war.<sup>292</sup> This was all part of the propaganda campaign to justify NATO "humanitarian" intervention. By claiming that the civilian death toll was five times higher than it actually was, journalists and policy makers were able to justify NATO's "humanitarian" bombing to the public.

Ten years after the war was over, researchers began putting together a detailed account of the people who died or went missing in the war, and it was discovered that the death toll was significantly less than previously thought.

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<sup>290</sup> Galic transcript, June 18, 2000, pg. 10030 - 10031

<sup>291</sup> Karadzic trial transcript, testimony of Prosecution witness KDZ-185, June 28, 2010, Pg. 4227-4228

<sup>292</sup> Stanford Journal of International Law, Summer, 2004, 40 Stan. J Int'l L. 347; See also: "G2: Women: 'The truth must come out': On the 10th anniversary of the Srebrenica massacre, Ed MacKenzie talks to Natasa Kandic, a Belgrade lawyer who has spent the past decade battling to bring the perpetrators of Serbian atrocities to justice," *The Observer* (UK), July 11, 2005; and Richard Holbrooke, "The Face of Evil," *The Washington Post*, Wednesday, July 23, 2008

A report compiled by Ewa Tabeau and Jacub Bijak for the ICTY in 2005 put the death toll for the entire Bosnian war at 102,622 people, of which 55,261 were civilians and 47,360 were soldiers.<sup>293</sup>

Another report sponsored by the Norwegian Ministry of Foreign Affairs and compiled by the Sarajevo-based Research and Documentation Center put the total number of dead and missing at 97,207. Of those they concluded that 39,684 were civilians and 57,523 were soldiers.

According to their statistics, 64,036 Muslims, 24,905 Serbs, 7,788 Croats, and 478 members of other ethnic groups died in the war. The Muslims are reported to have lost 33,070 civilians and 30,966 soldiers. The Serbs lost 4,075 civilians and 20,830 soldiers. The Croats lost 2,163 civilians and 5,625 soldiers. Other ethnic groups lost 376 civilians and 102 soldiers.<sup>294</sup>

Ethnic cleansing was an unfortunate part of the war. According to a report on the ethnic composition of displaced persons compiled by Ewa Tabeau and Marcin Zoltkowski for the ICTY prosecutor, 89.54% of the Serbs who lived in areas of Bosnia that came under the control of Croats or Muslims (territory now known as the Federation of Bosnia and Herzegovina) before the war were no longer living there after the war. Conversely, 95.71% of the Muslims and 87.21% of the Croats who had lived regions of Bosnia that came under Serb control (territory now known as Republika Srpska) before the war no longer lived there after the war.

Before the war Serbs made-up 32.27% of Bosnia's population. After the war Serbs were 35.34% of the population. Muslims were 42.65% of the pre-war population, and 45.47% of the post-war population. Croats were 17.33% before the war, and 5.77% after. Other ethnic groups made-up 7.74% of the pre-war population and 5.77% after the war.<sup>295</sup>

The war in Bosnia was tragic, but it is important to acknowledge that the death toll was wildly exaggerated to justify NATO's bombing of the Bosnian Serbs.

## **FIKRET ABDIC AND THE OTHER BOSNIAN MUSLIMS**

In the West it is a virtually unknown fact that a second faction of Bosnian Muslims existed. These Muslims did not accept Alija Izetbegovic as their leader. They rejected his Islamist policies and they formed a military alliance with Radovan Karadzic and the Bosnian Serbs. Their leader was a half-Muslim, half-Croat named Fikret Abdic.

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<sup>293</sup> Prlic trial exhibit 1D01658, War-related deaths in the 1992-1995 Armed Conflicts in BiH: A Critique of Previous Estimates and Recent Results

<sup>294</sup> Research and Documentation Center, Sarajevo, Human Losses in Bosnia and Herzegovina 91-95 (PowerPoint), June 2009

<sup>295</sup> Krajisnik trial exhibit P907, pg. 58, table 4

The fact that such an alliance existed refutes the thesis that the Bosnian Serbs had genocidal intentions towards the Bosnian-Muslim ethnicity. The Bosnian Serbs were at war with a militant faction of Bosnian Muslims led by Alija Izetbegovic. They were not at war with the Bosnian-Muslim ethnic group as such.

Abdic, although vilified on the rare occasions when he was mentioned in the Western press, was the rightful winner of Bosnia's 1990 presidential elections - not Izetbegovic. According to the official election results, Abdic got about 163,000 more votes than Izetbegovic.<sup>296</sup>

Had the will of the voters been respected, Fikret Abdic would have been the President of Bosnia-Herzegovina and there wouldn't have been a war. Unlike Izetbegovic, Fikret Abdic was a man of peace. While Izetbegovic was busy making deals with Osama bin Laden and the Iranian regime, Abdic was in Belgrade negotiating peace with Radovan Karadzic and the Serbs.

The Muslims in Western Bosnia were supportive of Abdic in rejecting Izetbegovic's extremist policies. Over 80,000 Muslims in the Bihac region signed a petition demanding autonomy from Izetbegovic's regime.<sup>297</sup>

On September 27, 1993, the Autonomous Province of Western Bosnia was proclaimed and Fikret Abdic was elected president.<sup>298</sup>

On October 22, 1993, Fikret Abdic and Radovan Karadzic met in Belgrade, and under the mediation of Slobodan Milosevic, signed an agreement pledging peace and mutual cooperation.<sup>299</sup>

Reacting to the proclamation of an autonomous Western Bosnia and its peaceful relations with the Serbs, Izetbegovic and his followers called for a jihad against Abdic and the moderate Muslims who lived in Western Bosnia.

Abdic denounced Izetbegovic's calls for Holy War, saying, "I call on the citizens of Western Bosnia not to obey the orders to remain at home in self-imposed isolation because Izetbegovic wants to subject all citizens to his self-will and his illusion that he is a great statesman and the leader of all Muslims in Bosnia-Herzegovina. His followers decided at the pan-Muslim Convention in Sarajevo today to continue the Holy War until, as they put it, the final victory.

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<sup>296</sup> "Election Results in Bosnia-Herzegovina," *BBC Summary of World Broadcasts*, November 29, 1990

<sup>297</sup> "Fikret Abdic Announces Imminent Proclamation of Autonomous Province of W Bosnia," *BBC Summary of World Broadcasts*, September 23, 1993; Source: Tanjug news agency, Belgrade, in English 1651 gmt 21 Sep 93

<sup>298</sup> "Autonomous Province of Western Bosnia Declared: Fikret Abdic Elected President," *BBC Summary of World Broadcasts*, September 29, 1993; Source: Croatian TV satellite service, Zagreb, in Croatian 1830 gmt 27 Sep 93

<sup>299</sup> "Western Bosnian Leader and Karadzic Sign Peace Accord in Belgrade," *BBC Summary of World Broadcasts*, October 25, 1993, Source: Yugoslav Telegraph Service news agency, Belgrade, in Serbo-Croat 1345 gmt 22 Oct 93

To realize that goal they count on 200,000 lives of people from Krajina, which we will never sacrifice for the crazed idea of creating Alija's state in the heart of Europe."<sup>300</sup>

Izetbegovic's regime attempted to impose martial law on Western Bosnia but was met with widespread non-violent resistance from its moderate Muslim population. Croatian radio reported that in Pecigrad some 15,000 citizens, including women with infants in their arms, took to the streets to resist the onslaught of Izetbegovic's forces while another 10,000 Muslim civilians assembled in the Cazin municipality demanding that the Sarajevo regime withdraw troops from Western Bosnia immediately.<sup>301</sup>

By the first week of October '93, Izetbegovic's forces were openly attacking their fellow Muslims in Western Bosnia. On October 4, 1993, the Fifth Corps of Izetbegovic's army killed nine people after it began shelling the city of Velika Kladusa.<sup>302</sup>

In response to Izetbegovic's open assault on the Muslims of Western Bosnia, Abdic asked the UN Protection Force to intervene and protect the lives of the citizens.<sup>303</sup>

The UN didn't lift a finger, but the Bosnian Serbs and the Krajina Serbs did come to his aid. They joined the fight on the side of Fikret Abdic and the moderate Bosnian Muslims in the Bihac Pocket.

Izetbegovic's regime was furious. The following is an excerpt of the crude propaganda that was broadcast by regime-controlled Radio Bosnia-Herzegovina during those days: "The attacks by the united enemy against the Bihac region have continued today, and the situation is again particularly bad on the Velika Kladusa and Bosanska Krupa parts of the front, where Martić's, Karadžić's and Abdić's Chetniks are using tanks and artillery. They have also attempted several infantry breakthroughs. The grouping and movements of Chetniks has continued along the border with the so-called Serb Autonomous Province of Krajina, particularly on the Velika Kladusa part of the front, from

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<sup>300</sup> "Fikret Abdić Calls on Citizens of Western Bosnia to Disobey Izetbegovic," *BBC Summary of World Broadcasts*, September 30, 1993; Source: Croatian Radio, Zagreb, in Croatian 1800 gmt 28 Sep 93

<sup>301</sup> "Thousands of Pecigrad Citizens 'Resist the Onslaught of the Military Police'," *BBC Summary of World Broadcasts*, October 1, 1993; Source: Croatian Radio, Zagreb, in Croatian 1400 gmt 29 Sep 93

<sup>302</sup> "Tanjug: Supporters of Izetbegovic Attack Town in Breakaway Province," *BBC Summary of World Broadcasts*, October 6, 1993; Source: Yugoslav Telegraph Service news agency, Belgrade, in English 1830 gmt 4 Oct 93; See Also: "Inter-Muslim Fighting Kills Nine in Breakaway Bosnian Enclave," *The Herald* (Glasgow), October 5, 1993

<sup>303</sup> "Tanjug: Abdić demands UNPROFOR Intervene in Inter-Muslim Conflict," *BBC Summary of World Broadcasts*, October 4, 1993; Source: Tanjug news agency, Belgrade, in English 1426 gmt 1 Oct 93

where they have been providing the forces attacking Velika Kladusa itself with intense artillery support.”<sup>304</sup>

Of course, NATO and its lapdog press adopted the same line advanced by the Sarajevo regime. When the Serbs attempted to help Abdic the Western media portrayed their intervention as a Serbian “attack” on the Bihac pocket. The headline on the April 3rd Washington Post blared “Serbs Launch Attack on Bihac”.<sup>305</sup>

## **OPERATION STORM AND THE DOWNFALL OF FIKRET ABDIC**

Izetbegovic’s troops ruthlessly abused their fellow Muslims when they finally seized control over Western Bosnia. In 2006 videotape surfaced showing the Fifth Corps of Izetbegovic’s Army massacring Abdic’s followers. The video showed the corpses of Abdic’s men after being sadistically tortured and killed by Izetbegovic’s troops. The video also showed two of Abdic’s men being driven around the streets of Bihac chained, naked, to the front of a jeep driven by Izetbegovic’s army.<sup>306</sup>

When Croatia launched Operation Storm in August of 1995 it effectively ended the ability of the Serbs to aid Abdic in the defense of Western Bosnia. Izetbegovic’s forces took full advantage of the Croatian attack and swept into Western Bosnia.<sup>307</sup>

Following Operation Storm, Fikret Abdic and his supporters were driven out of Bosnia and Abdic was placed under house arrest and eventually sent to prison in Croatia.<sup>308</sup>

## **NATO/EU INTERVENTION IN BOSNIA**

In 1994-95 NATO bombed Bosnia-Herzegovina in support of Izetbegovic’s regime and forced the warring parties to sign the 1995 Dayton Accords.

The Dayton Accords have imposed a NATO/EU-administered dictatorship on the people of Bosnia-Herzegovina. Under the terms of the Dayton Accords, the

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<sup>304</sup> “Sarajevo Radio; Government 5th Corps Reports Serb Artillery Attacks in Bihac Pocket,” *BBC Summary of World Broadcasts*, February 18, 1995, Saturday

<sup>305</sup> “Serbs Launch Attack on Bihac,” *The Washington Post*, April 03, 1995

<sup>306</sup> “New Video Evidence Against Bosnian Muslim General,” *Deutsche Presse Agentur* (Germany), February 9, 2007

<sup>307</sup> “Bosnians, Croats Fire at Refugees,” *United Press International*, August 8, 1995; See Also: “Croatian Army Continues Offensive,” *United Press International*, August 7, 1995; See Also: “Thousands of Serb Refugees Flee Croatian Army Advance,” *The Washington Post*, August 7, 1995

<sup>308</sup> “Bosnians Vow to Arrest Renegade Moslem Leader on His Return,” *Agence France Presse - English*, August 23, 1995



entire political process is subject to the absolute authority of the Office of the High Representative (OHR), renamed the EUSR (European Union Special Representative) in 2007.

In 1997 the High Representative was given unfettered dictatorial powers, including the power to remove elected officials from office and the power to impose laws by decree.<sup>309</sup>

The terms of the Dayton Accords are no better than the terms of the Cutileiro Plan that was on the table before the war. The greatest tragedy of the Bosnian war is that it was completely needless.

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<sup>309</sup> "The Mandate of the OHR," Office of the High Representative of Bosnia and Herzegovina, November 5, 2006 <[http://www.ohr.int/ohr-info/gen-info/default.asp?content\\_id=38612](http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612)>

## CHAPTER 5

### Srebrenica: The Ugly Truth

Genocide is the most repugnant crime against humanity. Few words in our language are more emotive, more inflammatory, or provoke the same furor.

Genocide is precisely the crime that Bosnian-Serb leaders stand accused of in connection with the July 1995 Srebrenica massacre.

Anthony Lewis' reporting is a typical example of the Western news media's coverage. This Pulitzer Prize winning journalist told readers of the *New York Times* that "The Bosnian Serb leaders were not on the scale of the Nazis, but the evil was the same. General Mladic presided over the slaughter of 8,000 civilian men and boys after his troops captured the U.N. safe haven of Srebrenica." <sup>310</sup>

In 2001 the International Criminal Tribunal for the former Yugoslavia (ICTY) handed down a verdict stating that it had been "proven beyond all reasonable doubt that genocide, crimes against humanity and violations of the laws or customs of war were perpetrated against the Bosnian Muslims, at Srebrenica, in July 1995." <sup>311</sup>

The trial chamber found that "following the take-over of Srebrenica, Bosnian Serb forces executed several thousand Bosnian Muslim men. The total number is likely to be within the range of 7,000 – 8,000 men." <sup>312</sup>

In 2010 a second ICTY Trial Chamber was "satisfied beyond reasonable doubt" that as many as 7,826 people "were killed in the executions following the fall of Srebrenica." <sup>313</sup>

It would appear to be an open and shut case of genocidal Serbs attacking a UN Safe Area and butchering thousands of defenseless Muslim civilians. The journalists, the politicians, and even the courts have certainly made their opinions known, but are those opinions based on reliable evidence or are they politically motivated?

We will examine the political significance of the Srebrenica massacre and challenge the widely-held belief that the massacre targeted civilians, that there were nearly 8,000 victims, and that the massacre was an act of genocide.

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<sup>310</sup> Anthony Lewis, "Abroad at Home; Leading From Weakness," *The New York Times*, September 13, 1996

<sup>311</sup> ICTY Krstic Verdict, 2 August 2001, Para. 598

<sup>312</sup> *Ibid.*, Para 84

<sup>313</sup> ICTY Popovic Verdict, 10 June 2010, Para. 664

The Srebrenica massacre should not be denied, condoned, or in any way excused. The massacre was clearly a war crime for which the perpetrators should be punished.

Nobody denies that a massacre took place. Slobodan Milosevic described the massacre as an “insane crime”.<sup>314</sup> Radovan Karadzic told the ICTY, “I believe that for thousands of [Srebrenica victims] we can assume that people’s hands were tied, and based on that we can assume that those people were executed.”<sup>315</sup> According to Dr. Karadzic, “Those who perpetrated such executions were traitors to Republika Srpska and everything it stood for.”<sup>316</sup>

The controversy has to do with numbers killed, the civilian or military status of the victims, and the underlying motive behind the crime. There is no doubt that a crime was committed, but it has been exaggerated for political reasons.

## **THE POLITICAL SIGNIFICANCE OF THE SREBRENICA MASSACRE**

The Srebrenica massacre, and especially its classification as genocide, is of tremendous political significance to the political leaders of the Bosnian-Muslims.

The Bosnian-Muslim political leadership has one longstanding goal: to control all of Bosnia, and they aim to do that by wiping Republika Srpska off the map. That was their goal during the war, and it remains their goal today. They hope to accomplish this goal by convincing the world that Republika Srpska should be abolished because it is the product of genocide – and in particular of the July 1995 Srebrenica massacre.

Richard Butler, a military expert employed by the ICTY Prosecution, put it bluntly: “The goal of the Army of Bosnia and Herzegovina was to establish their control over the entirety of Bosnia and Herzegovina as the military arm of the government in Sarajevo.”<sup>317</sup>

In 1995, former Croatian President Franjo Tudjman informed American officials that Bosnian-Muslim leaders had told him their plan for the Serbs was to “exterminate them all” and to “drive one and a half million Serbs out of Bosnia.”<sup>318</sup>

Even the ICTY Prosecution has noted that “the mere presence and employment in combat of the Mujahedin and EMD during the war in BiH casts seri-

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<sup>314</sup> Slobodan Milosevic, ICTY S. Milosevic transcript, 27 September 2002, pg. 10309

<sup>315</sup> Radovan Karadzic, ICTY Karadzic Transcript, 23 July 2009, pg. 360

<sup>316</sup> Karadzic Final Trial Brief para. 2696

<sup>317</sup> Prosecution expert Richard Butler, ICTY Karadzic Transcript, 19 April 2012, pg. 27697

<sup>318</sup> Minutes of the Meeting Held on 16 August 1995 in the North Lounge of the Presidential Palace in Zagreb at 13:50 hours, ICTY ERN #0187-0722-0187-0757-ET, Pg. 11

ous doubts on the sincerity of the ARBiH's stated goal of maintaining a secular and multi-ethnic Bosnia where all nationalities could live peacefully."<sup>319</sup>

The US Central Intelligence Agency had similar doubts about the Sarajevo regime's commitment to establishing a secular multiethnic state. A declassified CIA report authored during the war noted that "the Army's nominal Deputy Commander, Brigadier General Jovan Divjak, a Serb, acts primarily as the leadership's token non-Muslim; he reportedly plays only a minimal role in army operations." According to the report, "The primary Muslim political party, the Party of Democratic Action (SDA), has dominated the Army in almost the same way that the Yugoslav League of Communists dominated the JNA."<sup>320</sup>

While this information mirrors what many Serbs have said all along, it carries more weight coming from sources that have typically been unsympathetic and even hostile towards the Serbs.

Bosnian-Muslim political leaders have made no secret of the fact that they want to abolish Republika Srpska and that their main argument for doing so is the alleged "genocide in Srebrenica". Confidential diplomatic cables authored by the U.S. Embassy in Sarajevo and leaked to the website Wikileaks shine a bright light on the Bosnian-Muslims' political agenda and their attempts to exploit the so-called "genocide" in Srebrenica.

The cables note, "In February 2007, the International Court of Justice (ICJ) verdict that genocide was committed in and around Srebrenica in July 1995 unleashed pent-up Bosniak anger about the 1992-1995 war. Bosniak political leaders exploited the verdict in order to advance their own narrow, nationalist political agenda."<sup>321</sup>

Of particular interest to the Americans was the role played by Haris Silajdzic. They reported that he "seized on the ruling as the basis for his claims that the Republika Srpska is an unlawful creation of genocide."<sup>322</sup>

According to the cables, "Bosniak political leaders, led by Haris Silajdzic, began a strident campaign for 'special status' for Srebrenica, essentially calling for its secession from the Republika Srpska (RS). They also encouraged a mass emigration of Bosniak returnees from Srebrenica, claiming conditions there were intolerable."<sup>323</sup> They quoted Silajdzic as saying, "Srebrenica deserves spe-

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<sup>319</sup> Prosecution's Final Trial Brief in Case No. IT-04-83-T, Prosecutor v. Rasim Delic, 13 June 2008, Para. 15

<sup>320</sup> 1995-08-03a - BTF Assessment: An Evaluation of *The Washington Post* Article 'Would Lifting Embargo Help Bosnia?', August 3, 1995, <[http://www.foia.cia.gov/sites/default/files/document\\_conversions/1817859/1995-08-03A.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1817859/1995-08-03A.pdf)>

<sup>321</sup> <<https://wikileaks.org/cable/2008/02/08SARAJEVO350.html>>

<sup>322</sup> <<http://wikileaks.org/cable/2007/06/07SARAJEVO1352.html>>

<sup>323</sup> <<https://wikileaks.org/cable/2008/02/08SARAJEVO350.html>>

cial status because ‘it was like Auschwitz’ where people were brought to be killed.”<sup>324</sup>

Silajdzic’s arguments were laid out in meticulous detail in the cables. According to him the “issuance of the ICJ verdict had provided a new legal basis from which to retroactively question the terms of Dayton.”<sup>325</sup> He said, Srebrenica is not “just any other” place; “genocide occurred there.”<sup>326</sup>

He said that he was able to accept Srebrenica’s incorporation into the RS at Dayton because there had been no “official determination” in 1995 that genocide took place from July 11, 1995 in Srebrenica. The ICJ changed “the facts on the ground,” and he planned to “exhaust every legal avenue to revise the results of genocide.”<sup>327</sup> According to Silajdzic, “We have to change our structure and our constitution, which were created as the direct result of genocide.”<sup>328</sup> Silajdzic “stated that Dayton was formed by necessity with pressure from Milosevic, Tudjman and the international community, but the RS cannot remain as is; otherwise it will legalize genocide. ‘We had to sign Dayton with a gun at our heads,’ he said.”<sup>329</sup>

One of the cables noted that “Silajdzic’s goal is clear. He seeks to use the ICJ verdict as a legal basis for the elimination of the Republika Srpska.”<sup>330</sup> Another cable quoted Silajdzic openly declaring that “the RS, a product of genocide, should be abolished, and the moral obligation to implement the ICJ verdict overrules Bosnian law and international treaties, including the Dayton Peace Agreement.”<sup>331</sup>

According to the cables, Silajdzic’s “strategy is aimed at further inflaming Bosniak Muslim opinion here, thereby focusing U.S. and international attention on their grievances. It is unfortunate that few observers in Bosnia itself are able to see through the sophistry of his arguments.”<sup>332</sup> The American officials said, “We are quite frankly concerned with the radical ideas that Silajdzic is successfully sowing here among Bosniaks.”<sup>333</sup>

The cables also expose the exploitation and manipulation of the massacre victims’ surviving family members by the Sarajevo regime.

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<sup>324</sup> <<https://wikileaks.org/cable/2007/03/07SARAJEVO607.html>>

<sup>325</sup> <<http://wikileaks.org/cable/2007/06/07SARAJEVO1375.html>>

<sup>326</sup> <<http://wikileaks.org/cable/2007/06/07SARAJEVO1211.html>>

<sup>327</sup> Ibid.

<sup>328</sup> <<https://wikileaks.org/cable/2007/02/07SARAJEVO456.html>>

<sup>329</sup> <<https://wikileaks.org/cable/2007/03/07SARAJEVO607.html>>

<sup>330</sup> <<https://wikileaks.org/cable/2007/06/07SARAJEVO1375.html>>

<sup>331</sup> <<https://wikileaks.org/cable/2007/03/07SARAJEVO607.html>>

<sup>332</sup> <<https://wikileaks.org/cable/2007/02/07SARAJEVO456.html>>

<sup>333</sup> <<https://wikileaks.org/cable/2007/03/07SARAJEVO607.html>>

A cable reporting on a protest against the American ambassador's visit to the Potocari Memorial staged by the NGO "Mothers of Srebrenica" led by Hatidza Mehmedovic noted that "Bosniak politicians frequently manipulate and exploit the suffering of the mothers of Srebrenica victims, who lack a sophisticated understanding of Bosnia's criminal justice system let alone international jurisprudence. Though their pain and suffering is real and justified, this 'spontaneous' protest was likely orchestrated by others. The mothers do not speak English, and we overheard several asking for translations of their English language signs. In addition, during the protest, a local embassy staff member overheard one of the mothers receiving instructions by phone."<sup>334</sup>

Another cable noted how "Bosniak political leaders, created a tent settlement of 'Srebrenica refugees' in Sarajevo, staged protests outside the Presidency, and even faked an attack on a Bosniak returnee in the village of Ljeskovik to gain public support for Srebrenica's secession" from Republika Srpska.<sup>335</sup>

The cables pointed out that "High-level visitors to Srebrenica, whether religious or political, come to 'score points' and burnish their images as 'good Bosniaks.' Local leaders often willingly play in this game."<sup>336</sup>

Politicians and pundits outside of Bosnia are also keen to exploit the Srebrenica massacre for their own purposes. Whenever military action is being contemplated, you can usually find a politician or a commentator somewhere in the Western news media talking about the need to "prevent another Srebrenica" whether it is in Iraq, Libya, or Syria. Ironically, it's usually a Muslim country they intend to attack when they invoke Srebrenica.

## THE FINDINGS OF THE ICJ

As alluded to by the American diplomatic cables quoted above, the International Court of Justice issued the following finding in 2007:

"The Court concludes that the acts committed at Srebrenica falling within Article II (a) and (b) of the Convention were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS in and around Srebrenica from about 13 July 1995."<sup>337</sup>

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<sup>334</sup> <<https://wikileaks.org/cable/2007/04/07SARAJEVO754.html>>

<sup>335</sup> <<https://wikileaks.org/cable/2007/07/07SARAJEVO1547.html>>

<sup>336</sup> <<https://wikileaks.org/cable/2009/04/09SARAJEVO529.html>>

<sup>337</sup> The Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) [2007] Judgment, ICJ, para. 293

However, it must be noted that the findings of the ICJ with regard to genocide in Srebrenica are based entirely on the findings of the ICTY. According to the ICJ verdict:

“The Court concludes that it should in principle accept as highly persuasive relevant findings of fact made by the Tribunal at trial, unless of course they have been upset on appeal. For the same reasons, any evaluation by the Tribunal based on the facts as so found for instance about the existence of the required intent, is also entitled to due weight.”<sup>338</sup>

One could certainly question the appropriateness of the ICJ using the ICTY’s verdicts to make findings on issues of state-level responsibility, when the judges and prosecutors at the ICTY have explicitly rejected that idea.

They have gone to great lengths to emphasize that “the Court convicts or acquits the individuals with a first and a last name, and not the collective responsibility of the Serbian people.”<sup>339</sup>

In her opening statement in the Slobodan Milosevic trial, Carla del Ponte made it perfectly clear that “No state or organisation is on trial here today. The indictments do not accuse an entire people of being collectively guilty of the crimes, even the crime of genocide. It may be tempting to generalise when dealing with the conduct of leaders at the highest level, but that is an error that must be avoided. Collective guilt forms no part of the Prosecution case. It is not the law of this Tribunal, and I make it clear that I reject the very notion.”<sup>340</sup>

She repeated the same thing in her opening statement at the Popovic trial. She said, “All accused in this Tribunal are brought before you to be tried for their individual criminal responsibility. No state, no nationality, no organisation is on trial for these crimes. Crimes are committed by individual people, and individual people must be held responsible for their criminal acts. There is no such thing as collective guilt before this Tribunal.”<sup>341</sup>

When Judge Rodrigues handed down the verdict in the Krstic trial he said, “We believe that it is essential to make a distinction between what might be collective responsibility and individual responsibility. The Tribunal has not been established to deal with the possibility of collective responsibility. What is of interest to us in each of the trials which we must hear in this Court is to verify whether the evidence presented before us makes it possible to find an accused guilty. We seek to judge only accused who are individually responsible. We do not wish to judge a people. Yes, in the former Yugoslavia there were attacks against civilian populations. Yes, there were massacres. There was persecution. Yes, some of these crimes were committed by Serbian forces. Still, to par-

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<sup>338</sup> Ibid., para. 293

<sup>339</sup> Prosecutor H. Uertz-Retzlaff, ICTY Babic transcript, 2 April 2004, Pg. 209

<sup>340</sup> Prosecutor C. del Ponte, ICTY S. Milosevic transcript, 12 February 2002, Pg. 4

<sup>341</sup> Prosecutor C. del Ponte, ICTY V. Popovic transcript, 21 August 2006, Pg. 380

aphrase the words of a great humanist, we consider that to associate this evil with Serbian identity would be an insult to the Serbian people and would betray the concept of civil society. It would be just as monstrous, however, not to attach any name to this evil because that could be an offence to the Serbs.

“In July 1995, General Krstic, individually, you agreed to evil, and this is why today this Trial Chamber convicts you and sentences you to 46 years in prison.”<sup>342</sup>

The ICTY puts individuals on trial, and the ICJ puts states on trial. Defense counsel at the ICTY defend an individual Accused, they don’t defend the State itself. By relying exclusively on the ICTY’s findings, the ICJ abused its discretion and transformed individual responsibility into collective responsibility. This abuse of discretion was why the ICJ’s verdict was of such great significance to Bosnian-Muslim politicians seeking to establish the collective guilt of Republika Srpska.

According to the leaked American diplomatic cables from Wikileaks, “[Sulejman] Tihic claims the [ICJ] verdict mentions the role of police and RS army several times. He added that individuals cannot commit genocide, but you need institutions to carry out preparations and execution of genocide.”<sup>343</sup>

While Tihic’s assertion that individuals can’t commit genocide might sound sensible to a reasonable person, this isn’t the way the ICTY defines genocide. The ICJ didn’t make an independent finding of fact, it merely referenced the ICTY’s findings in its verdict, and according to the ICTY lone individuals can commit genocide.

The Trial Chamber in the Jelasic case held that “The murders committed by the accused are sufficient to establish the material element of the crime of genocide and it is a priori possible to conceive that the accused harboured the plan to exterminate an entire group without this intent having been supported by any organisation in which other individuals participated. In this respect, the preparatory work of the Convention of 1948 brings out that premeditation was not selected as a legal ingredient of the crime of genocide, after having been mentioned by the ad hoc committee at the draft stage, on the grounds that it seemed superfluous given the special intention already required by the text and that such precision would only make the burden of proof even greater. It ensues from this omission that the drafters of the Convention did not deem the existence of an organisation or a system serving a genocidal objective as a legal ingredient of the crime. In so doing, they did not discount the possibility of a lone individual seeking to destroy a group as such.”<sup>344</sup>

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<sup>342</sup> Judge Rodrigues, ICTY Krstic transcript, 2 August 2001, Pg. 10190-10191

<sup>343</sup> <http://wikileaks.org/cable/2007/03/07SARAJEVO607.html>

<sup>344</sup> Prosecutor v. Jelasic, Case no. IT-95-10-T, Judgment, para. 100 (Dec. 14, 1999)



Computer software engineers have a saying: “Garbage in, garbage out”. The saying refers to the fact that computers will unquestioningly process erroneous input data (“garbage in”) to produce erroneous output (“garbage out”).

The same reasoning applies here. Because the ICJ relied on the findings of the ICTY, the findings of the ICJ are only as reliable as the underlying findings of the ICTY. If the ICTY’s findings are wrong, then the ICJ’s findings are wrong. For that reason, we will not devote any further attention to the findings of the ICJ. Instead we will focus on the underlying findings and evidence of the ICTY.

## **THE MILITARY STATUS OF THE MISSING AND DEAD**

The victims of the Srebrenica massacre are frequently alleged to be innocent unarmed civilians. Gareth Evans and James Lyon, the president and senior Balkan analyst of the International Crisis Group, informed readers of the International Herald Tribune that “In mid-July 1995, Bosnian Serb forces commanded by Mladic conducted the organized slaughter of nearly 8,000 civilians and non-combatants around the Bosnian town of Srebrenica.”<sup>345</sup>

The London Mirror carried a similar report on the “murder of 8,000 civilians at Srebrenica during the Bosnian war.” They assured their readers that “the victims – unarmed Muslim men and boys – were butchered by Serb forces after they captured the small town of Srebrenica in 1995.”<sup>346</sup>

In the United States, the White House issued a statement in 2005 which said, “On July 11th, we remember the tragic loss of lives in Srebrenica 10 years ago. The mass murder of nearly 8,000 men and boys was Europe’s worst massacre of civilians since World War II, and a grim reminder that there are evil people who will kill the innocent without conscience or mercy.”<sup>347</sup> According to the UNHCR, “Nearly 8,000 civilians were slaughtered in the worst atrocity in Europe since World War II. The International War Crimes Tribunal in The Hague ... judged the action as genocide.”<sup>348</sup>

An in-depth discussion about the number of victims will come later, but for right now let’s deal with the allegation that these “men and boys” were civilians, and not soldiers in the Bosnian- Muslim army.

Although one could speculate that the intent is to vilify the Serbs or to inflame public opinion for political reasons, this is not an attempt to explain what possessed the entire Western news media and political establishment to make

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<sup>345</sup> Gareth Evans and James Lyon, “No Mladic, no talks; The EU and Serbia,” The International Herald Tribune, March 22, 2007

<sup>346</sup> Mark Dowdney, “We’re Shamed By This Evil Slaughter; Straw Apology for Bosnia Massacre,” The Mirror (London), July 12, 2005

<sup>347</sup> White House Press Briefing by Scott McClellan, July 11, 2005

<sup>348</sup> “Remembering Srebrenica,” UNHCR, July 8, 2005

these allegations. Instead, the allegations will be held against the evidence adduced at the ICTY so that the reader may observe for himself how far detached from reality they are.

Although a number of civilians were killed, the evidence strongly suggests that the vast majority of missing persons and confirmed deaths were soldiers and military aged men. The Krstic trial chamber even conceded that “only the men of military age were systematically massacred.”<sup>349</sup>

The ICTY Prosecutor’s own military expert testified that “people who didn’t qualify as military combatants or potential military combatants were not part of that plan [to execute the prisoners]. One of the unique things that I can use that helps me to support that theory is witness testimony that was brought before the Court earlier where on 13 July in the Sandici meadow, there was an awareness that they were looking to exclude out of the groups of people individuals who were not between the ages of 16 and 60. And that was an awareness by the soldiers at the lowest level.”<sup>350</sup>

In 2005 the Office of the Prosecutor at the ICTY compiled a list of 7,661 persons (military and civilian) who went missing or were confirmed dead after Srebrenica fell to Bosnian-Serb forces in July of 1995.<sup>351</sup>

6,847 out of the 7,661 people on the list were men between the ages of 16 and 60.<sup>352</sup> This is significant because a military draft was in effect in Srebrenica. The order for general mobilization issued by the Srebrenica War Presidency called for the immediate mobilization of “all able-bodied citizens aged between 16 and 60 years of age.”<sup>353</sup>

Moreover, the demographic unit of the ICTY Prosecutor’s office found ABiH military service records for 5,371 of the 7,661 people on the list of Srebrenica’s missing and dead.<sup>354</sup>

The allegation that the massacre victims were primarily civilians doesn’t hold in the face of evidence on record at the ICTY, most of it tendered by the Prosecution itself, showing that the overwhelming majority of Srebrenica’s missing and dead were military aged men with accompanying military service records.

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<sup>349</sup> ICTY, Krstic Verdict, 2 August 2001, Para. 595

<sup>350</sup> Testimony of Richard Butler, ICTY R. Krstic transcript, 21 July 2000, pg. 5511

<sup>351</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P01794

<sup>352</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P01802

<sup>353</sup> ICTY, V. Popovic trial, Defense exhibit no. 7D00057

<sup>354</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P02082

## GENOCIDE

As already noted, the Srebrenica massacre's classification as an act of "genocide" by the ICTY is of major political importance to the political leadership of the Bosnian-Muslims in their ongoing quest to abolish Republika Srpska.

In order to determine whether the evidence supports a finding of genocide, one must first understand what genocide is, and what it isn't.

Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as follows:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

Killing members of the group;

Causing serious bodily or mental harm to members of the group;

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Imposing measures intended to prevent births within the group;

Forcibly transferring children of the group to another group.

The ICTY appeals chamber has determined that "As a specific intent offense, the crime of genocide requires proof of intent to commit the underlying act and proof of intent to destroy the targeted group, in whole or in part."<sup>355</sup>

The Popovic trial chamber further elaborated, "What distinguishes genocide is genocidal intent – the 'intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such' ... The words 'as such' underscore that something more than discriminatory intent is required for genocide; there must be intent to destroy, in whole or in part, the protected group."<sup>356</sup>

The Krstic trial chamber noted that "The victims of genocide must be targeted by reason of their membership in a group. This is the only interpretation coinciding with the intent which characterizes the crime of genocide. The intent to destroy a group as such, in whole or in part, presupposes that the victims were chosen by reason of their membership in the group whose destruction was sought. Mere knowledge of the victims' membership in a distinct group on the part of the perpetrators is not sufficient to establish an intention to destroy the group as such."<sup>357</sup>

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<sup>355</sup> Krstic Appeal Judgment, ICTY, 19 April 2004, para. 20

<sup>356</sup> Popovic Judgment, ICTY, 10 June 2010, para. 820, 821

<sup>357</sup> Krstic Judgment, ICTY, 2 August 2001, para. 561

The Krstic trial chamber further noted that “the Genocide Convention does not protect all types of human groups. Its application is confined to national, ethnical, racial or religious groups.”<sup>358</sup>

In order to accurately classify the Srebrenica massacre as an act of genocide it must be proved beyond a reasonable doubt that the victims (mainly soldiers and military aged men) were killed with the specific intent to destroy the Bosnian-Muslim ethno-religious group as such, and not because they were combatants or potential military combatants engaged in a war against the Bosnian-Serbs.

Although the Tribunal correctly defines genocide, the evidentiary threshold required to prove it is ridiculously low. According to the Tribunal, “The existence of a plan or policy is not a legal ingredient of the crime of genocide.”<sup>359</sup> They have ruled that “The perpetrator’s genocidal intent will almost invariably encompass civilians, but that is not a legal requirement of the offence of genocide.”<sup>360</sup> The Appeals Chamber in the Karadzic case held that “The determination of whether there is evidence capable of supporting a conviction for genocide does not involve a numerical assessment of the number of people killed and does not have a numeric threshold.”<sup>361</sup>

The bar is set so low that any armed conflict could be classified as genocide. A genocide conviction under these circumstances is meaningless. The Prosecutor doesn’t have to prove that there was a genocidal plan, he doesn’t have to show how many people were killed, or that the victims were civilians.

The Krstic defense argued before the ICTY Appeals chamber that his genocide conviction should be overturned because “the record contains no statements by members of the VRS Main Staff indicating that the killing of the Bosnian Muslim men was motivated by genocidal intent to destroy the Bosnian Muslims of Srebrenica.” Without disputing the factual claim, the Tribunal dismissed the argument on the grounds that, “The absence of such statements is not determinative. Where direct evidence of genocidal intent is absent, the intent may still be inferred from the factual circumstances of the crime.”<sup>362</sup>

In criminal law there are two types of evidence, direct evidence and circumstantial evidence. The ICTY’s findings with regard to genocide at Srebrenica are based entirely on circumstantial evidence.

The Popovic trial chamber noted that “by its nature, [genocidal] intent is not usually susceptible to direct proof” because “[o]nly the accused himself has

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<sup>358</sup> Ibid., para. 554

<sup>359</sup> Jelusic Appeal Judgment, ICTY, 5 July 2001, para. 48

<sup>360</sup> Krstic Appeal Judgment, ICTY, 19 April 2004; para. 226

<sup>361</sup> ICTY Appeals Chamber Judgment, Prosecutor v. Radovan Karadzic (98 bis), 11 July 2013, Para 22

<sup>362</sup> Krstic Appeal Judgment, ICTY, 19 April 2004, para. 34

first-hand knowledge of his own mental state, and he is unlikely to testify to his own genocidal intent.’ Absent direct evidence, the intent to destroy may be inferred [from other facts and circumstances].”<sup>363</sup> They even cautioned that “Where an inference is drawn from circumstantial evidence to establish a fact on which a conviction relies, that inference must be the only reasonable one that could be drawn from the evidence presented.”<sup>364</sup>

The question here is whether genocidal intent to destroy the Bosnian-Muslim ethno-religious group as such is a reasonable inference, let alone the only reasonable inference, that can be drawn from the killing of enemy soldiers and military aged men in the midst of an ongoing war.

The Krstic appeals judgment states that “The main evidence underlying the Trial Chamber’s conclusion that the VRS forces intended to eliminate all the Bosnian Muslims of Srebrenica was the massacre by the VRS of all men of military age from that community ... The killing of the military aged men was, assuredly, a physical destruction, and given the scope of the killings the Trial Chamber could legitimately draw the inference that their extermination was motivated by a genocidal intent.”<sup>365</sup>

The reasoning employed by the Popovic Trial chamber is almost identical. They held that “It is clear from the evidence that the Bosnian Serb Forces intended to kill Bosnian Muslim able-bodied males from Srebrenica on a massive scale ... The Trial Chamber finds that the killing of all of the male members of a population is a sufficient basis to infer the intent to biologically destroy the entire group.”<sup>366</sup>

The Krstic trial chamber cited the fact that “Only the men of military age were systematically massacred” and that “their death precluded any effective attempt by the Bosnian Muslims to recapture the territory”<sup>367</sup> to support their dubious conclusion “that the intent to kill all the Bosnian Muslim men of military age in Srebrenica constitutes an intent to destroy in part the Bosnian Muslim group.”<sup>368</sup>

Killing military aged men to prevent them from recapturing territory is plainly not the same thing as killing people to destroy their ethnic group. The mental gymnastics that the Tribunal employs to prop-up these allegations of “genocide” would be laughable if the allegations weren’t so grave.

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<sup>363</sup> Popovic Judgment, ICTY, 10 June 2010, para. 823

<sup>364</sup> Popovic Judgment, ICTY, 10 June 2010, para. 12

<sup>365</sup> Krstic Appeal Judgment, ICTY, 19 April 2004, para. 26, 27

<sup>366</sup> Popovic Judgment, ICTY, 10 June 2010, para. 805, 866

<sup>367</sup> Krstic Judgment, ICTY, 2 August 2001, para. 595

<sup>368</sup> Krstic Judgment, ICTY, 2 August 2001, para. 598

If the Bosnian-Serb Army's goal was to destroy the Bosnian-Muslim ethnic group as such, then why didn't it kill the women and children along with the military aged men?

The Tribunal has an answer. They say, "The decision not to kill the women or children may be explained by the Bosnian Serbs' sensitivity to public opinion. In contrast to the killing of the captured military men, such an action could not easily be kept secret, or disguised as a military operation, and so carried an increased risk of attracting international censure."<sup>369</sup>

Krstic trial chamber's position that "The intent to destroy a group as such, in whole or in part, presupposes that the victims were chosen by reason of their membership in the group whose destruction was sought" should be recalled.<sup>370</sup> Does the Tribunal's explanation for why the women and children weren't killed sound like proof beyond a reasonable doubt, or does it sound like speculation that attempts to justify a finding of genocidal intent that isn't supported by the evidence?

The Tribunal does its best to rule out a military motive for the massacre. The Krstic trial chamber asserted that "The VRS may have initially considered only targeting the military men for execution. Some men from the column were in fact killed in combat and it is not certain that the VRS intended at first to kill all the captured Muslim men, including the civilians in the column. Evidence shows, however, that a decision was taken, at some point, to capture and kill all the Bosnian Muslim men indiscriminately. No effort thereafter was made to distinguish the soldiers from the civilians. Identification papers and personal belongings were taken away from both Bosnian Muslim men at Potocari and from men captured from the column; their papers and belongings were piled up and eventually burnt."<sup>371</sup>

The Popovic Trial Chamber cited evidence that the prisoners "were not asked to give their names, nor were they interviewed by anyone"<sup>372</sup> and that "the members of the Bosnian Serb Forces did not seem to have a list with the names of the prisoners, and at no point during that night [at one of the execution sites] did they ask the prisoners for their names."<sup>373</sup>

The argument that the Tribunal is attempting to advance is that if the Serbs didn't check the identity of the prisoners, they couldn't have known who was a soldier and who was a civilian. Therefore, the military couldn't have been the target.

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<sup>369</sup> Krstic Appeal Judgment, ICTY, 19 April 2004, para. 31

<sup>370</sup> Krstic Judgment, ICTY, 2 August 2001, para. 561

<sup>371</sup> *Ibid.*, para. 547

<sup>372</sup> Popovic Judgment, ICTY, 10 June 2010, para. 401

<sup>373</sup> *Ibid.*, para. 405

That is fallacious reasoning because it was common knowledge that a military draft was in effect, and so the Serbs would have known that all of the men between the ages of 16 and 60 were supposed to be in the military.

The Tribunal's reasoning is a double-edged sword. If one accepts that line of reasoning as credible, then one must reject the idea that the Bosnian-Serb Army had genocidal intent. Although one can estimate whether a man is between the age of 16 and 60 by his appearance, one cannot tell the difference between a Muslim, a Serb, or a Croat by their appearance. If the Serbs weren't checking IDs, then how could they know whether the prisoners were Bosnian-Muslims? If they didn't know the ethnicity of the prisoners, then how could they possibly target the Bosnian-Muslim ethno-religious group for destruction?

The Serbs weren't stupid. They knew that Srebrenica was populated by Bosnian-Muslims and they knew that the men between the ages of 16 and 60 had been drafted. One has to approach this subject with some measure of common sense and the Tribunal is not.

It is an undisputed fact that 6,847 out of the 7,661 people on the Prosecution's list of missing and dead were military aged men between the ages of 16 and 60.<sup>374</sup> It is also an undisputed fact that military records have been found for 5,371 of them.<sup>375</sup> It is clear, therefore, that the soldiers and the military aged men were the intended target of the massacre.

The Popovic trial chamber has noted that "some young boys, elderly men and the infirm were amongst those killed"<sup>376</sup> and the Krstic trial chamber has noted that "some of the victims were severely handicapped and, for that reason, unlikely to have been combatants."<sup>377</sup> Nobody denies that those are the facts, but when nearly 90% of the missing and dead are military aged men and most of them have accompanying military records it is impossible to accept Tribunal's conclusion "that no distinction was made between civilians and military men".<sup>378</sup>

Obviously, a distinction of some kind was made, otherwise 90% of the missing and dead wouldn't have been soldiers or military aged men.

Plainly, the intended target of the massacre was the opposing military and not the Bosnian-Muslim ethno-religious group as such. Therefore, the massacre, although still a war crime, was not an act of genocide.

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<sup>374</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P01802

<sup>375</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P02082

<sup>376</sup> Popovic Judgment, ICTY, 10 June 2010, para. 866

<sup>377</sup> Krstic Appeal Judgment, ICTY, 19 April 2004, para. 26

<sup>378</sup> Popovic Judgment, ICTY, 10 June 2010, para. 866

Even the evidence cited by the Prosecution itself during the closing arguments in the Karadzic trial drives home the undeniable truth that the fighters, and not the ethnic group itself, were the target. During her closing arguments prosecutor Melissa Pack said:

"Karadzic had the power of life or death over the Bosnian Muslim men of Srebrenica. He did not exercise it on the 16th July to stop the murders. He called his subordinates to find out why some Muslim men were allowed to escape.

"You'll recall later on the 6th of August, when the whole world knew about the mass executions, Karadzic expressed his only regret in relation to Srebrenica, that 9.000 men were allowed to escape. He said: '9.000 armed Turks in the mountains, in the woods ... that was an airborne division, 9.000 people, that's an air-borne assault ... and in the end several thousand fighters did manage to get through ... we were not able to encircle the enemy and destroy them because we rushed into Zepa.' That's P1412, page 17.

"This statement is evidence of his genocidal intent."

Contrary to Ms. Pack's assertion, Karadzic's statement is not evidence of genocidal intent. His statement is evidence to the contrary. It shows that the Bosnian-Serbs viewed the Muslim men breaking out of Srebrenica as a military threat, and it drives home the point that the group whose destruction was sought was the enemy military, and not the Bosnian-Muslim ethno-religious group as such.<sup>379</sup>

## THE ICTY'S CREDIBILITY

It would appear that the ICTY's findings, particularly with regard to genocide at Srebrenica, are not based upon reliable evidence. In fact, the US diplomatic cables leaked to Wikileaks contain smoking gun evidence that destroys the ICTY's credibility.

When the ICTY Appeals Chamber handed down its verdict in the Radislav Krstic trial, American embassy personnel in The Hague reported back to Washington that "There is a general sense among prosecutors that the Appeals Chamber first decided that Krstic did not merit conviction as a principal perpetrator of genocide but that, for 'political' reasons, it did not want to set aside the finding that the massacres around Srebrenica constituted genocide.

The result, one prosecutor said, made it seem as if 'an eighteen-year-old law clerk' had written the judgment on the basis of a decision reached 'by academics and diplomats'. In fact, a law clerk involved in the drafting confirmed to embassy legal officers that the chamber had given the drafters general direc-

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<sup>379</sup> Prosecution's Closing Statement, Prosecutor Melissa Pack, Karadzic trial transcript, 30 September 2014 pg. 47777



tions, 'the bottom line,' and that the law clerk drafters had to determine how to get there."<sup>380</sup>

Rather than the evidence leading them to their conclusion, the law clerks who wrote the Krstic appeals judgment were presented with a politically motivated conclusion ahead of time and their job was to "determine how to get there".

Judge Frederik Harhoff was removed from the Tribunal's bench after he circulated a letter accusing the President of the ICTY of exerting pressure on his fellow judges in their deliberations because of "pressure from 'the military establishments' in certain dominant countries" -- particularly the United States.<sup>381</sup>

Another American diplomatic cable dating from 2007 shows that France wanted the job of ICTY Chief Prosecutor to be given to Serge Brammertz for blatantly political reasons.

According to the cable, "France is backing Serge Brammertz to succeed Carla Del Ponte as ICTY Chief Prosecutor from a belief that Brammertz will otherwise refuse to extend his mandate at the UN International Investigative Commission (UNIIC), an outcome the French characterize as disastrous. MFA UN/Middle East Action Officer Salina Grenet explained to Poloff on May 10 that Brammertz was conditioning any prolongation of his UNIIC duties on a guarantee -- by June 15 at the latest -- of a suitable onward assignment."<sup>382</sup>

The apparent fact that the ICTY's chief prosecutor got his job for political reasons is particularly significant because it is the Prosecution that decides who gets accused of genocide and who doesn't. The Prosecution writes up the indictment, but the Defense can only present evidence that is relevant to the indictment. This gives the prosecution an almost limitless power to suppress evidence of war crimes and pervert the historical record.

In the Karadzic trial, evidence of crimes committed against Bosnian-Serb civilians by Bosnian-Muslim and Croatian forces was deemed "irrelevant" and openly suppressed by the prosecutors working for Brammertz, and by the trial chamber itself.

When a protected Bosnian-Muslim witness, under questioning from Dr. Karadzic, began testifying about Serbs who had been beheaded by Naser Oric's fighters in Srebrenica, prosecutor Melissa Pack intervened to stop the testimony. She said, "I can see that we are going down the road of this witness testifying about crimes allegedly committed by the ABiH against Serbs. This is the second answer which purports to describe those sorts of events, and I just

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<sup>380</sup> <https://www.wikileaks.org/plusd/cables/04THEHAGUE1033.html>

<sup>381</sup> <http://www.bt.dk/sites/default/files-dk/node-files/511/6/6511917-letter-english.pdf>

<sup>382</sup> <https://www.wikileaks.org/plusd/cables/07PARIS1882.html>

want to at this point caution Dr. Karadzic and raise this as a potential issue. In my submission, evidence of crimes against Serbs is not relevant.”<sup>383</sup>

On many occasions prosecutors objected to the admission of documents on the grounds that “they consist of detailed evidence of crimes against Serbs and don’t satisfy the standard of relevance”.<sup>384</sup>

The judges openly sided with the prosecutors and forced the witnesses testifying in the trial to redact their statements in order to prevent evidence of crimes against Serbs from going on the record.

Witness Goran Sikiras had his statement redacted by the chamber on the grounds that “about half of Sikiras’s statement is concerned with crimes committed against Bosnian Serbs in Vogosca and as such are not relevant to the charges in the indictment. I refer here to page 4, parts of page 5, as well as pages 6 and 7. The Chamber reminds the accused once again that it will not admit detailed tu quoque evidence under the guise of relevance to this trial.”<sup>385</sup>

Witness Branislav Dukic’s statement was rejected in its entirety on the grounds that “Dukic’s proposed 92 ter statement is concerned, almost entirely, with detailed descriptions of crimes committed against the Serbs and against Dukic in particular. It also contains some references to previous meetings between Dukic and the Prosecution. As such, the Chamber considers that Dukic’s evidence is not relevant to the charges in the indictment. While his statement does contain some remote references to the positions and military activity of the ABiH and the Bosnian Croat forces in and around Sarajevo, these are not only minimal but also general in nature and thus are not sufficient in and of themselves to warrant admitting parts of his statement. Accordingly, the Chamber decides, proprio motu, to exclude the evidence of Branislav Dukic in its entirety.”<sup>386</sup>

The statement of witness Vidomir Banduka was redacted because “the Chamber finds paragraphs 59, 60, 62, 63, 72 to 75, 77, and 78 are not relevant in that they either refer to the detention facilities established by Bosnian Muslim authorities or to crimes committed against Bosnian Serbs. So these paragraphs should be redacted and will not admit associated exhibits referred to therein.”<sup>387</sup>

The statement of witness Nenad Kecmanovic was redacted because, “paragraphs 45 and 46 of Mr. Kecmanovic’s statement contain a detailed information about mistreatment of Bosnian Serbs, including the existence of detention centres. The Chamber is of the view that this level of detail is not relevant

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<sup>383</sup> Radovan Karadzic trial transcript, pg. 12743

<sup>384</sup> Radovan Karadzic trial transcript, pg. 8347

<sup>385</sup> Radovan Karadzic trial transcript, pg. 30687-30688

<sup>386</sup> Radovan Karadzic trial transcript, pg. 30518-30519

<sup>387</sup> Radovan Karadzic trial transcript, pg. 33424-33425

to the charges against the accused, and accordingly orders the redaction of these paragraphs.”<sup>388</sup>

When they ordered the redaction of witness Milovan Bjelica’s witness statement the judges explained that “the Chamber had an opportunity to skim through the statement. Para 44, the Chamber -- we will keep the first and last sentence, but the other part should be redacted, as well as paragraph 45, 47, and paragraph 49 to 51. They do contain too much detailed evidence, including names, ages of victims on crimes against Bosnian Serbs that are not relevant or necessary.”<sup>389</sup>

The judges were so keen to suppress evidence of crimes against Serbs that they would redact even a single sentence if the witness dared to mention that crimes had been committed against Serbs. When they ordered the redaction of Tomislav Savkic’s witness statement the judge explained that “the Chamber finds that the last sentence of paragraph 62 and the document referred to therein and the last sentence of paragraph 81 contain excessive detail about specific crimes committed against Bosnian Serbs which is not relevant to the charges against the accused in the indictment and orders that they be redacted.”<sup>390</sup>

When the trial chamber ordered redactions to Srdjan Sehovac’s witness statement they did so on the basis that “the statement, which the Prosecution seeks to exclude, falls within the category of detailed evidence pertaining to crimes committed against Bosnian Serbs which the Chamber has consistently excluded on the grounds that it is irrelevant *tu quoque* evidence.”<sup>391</sup>

When Radojka Pandurevic, a Serbian woman who was imprisoned in a camp run by the Bosnian-Muslims where she and other Serbian prisoners were subjected to beatings and sexual violence, took the witness stand the judges demanded that large swaths of her witness statement be redacted because “her statement is comprised of *tu quoque* or otherwise irrelevant evidence and will therefore not be admitted.”<sup>392</sup>

When she took the witness stand, she objected to the redactions saying, “I read the statement, but it doesn’t reflect accurately everything I said, as I can see that some portions are marked which were unacceptable and redacted. Those paragraphs have to do with my stay in the Silos camp, which in turn would mean that I cannot convey the suffering I had undergone in the Silos camp.”<sup>393</sup>

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<sup>388</sup> Radovan Karadzic trial transcript, pg. 7083-7084

<sup>389</sup> Radovan Karadzic trial transcript, pg. 4386-4387

<sup>390</sup> Radovan Karadzic trial transcript, pg. 1716

<sup>391</sup> Radovan Karadzic trial transcript, pg. 32652-32653

<sup>392</sup> Radovan Karadzic trial transcript, pg. 30519

<sup>393</sup> Radovan Karadzic trial transcript, pg.

The judges made no secret of what they were doing during the trial. They said it clearly, they said it openly, and they said it literally: “We didn’t allow the accused to expand on the issue of crimes committed against the Serbs.”<sup>394</sup>

The same trial chamber also ruled that “the issue of who was responsible for starting the war is not relevant to the Accused’s defence case” when it denied his request to subpoena documents from the American government.<sup>395</sup>

As previously noted, genocide is an intent specific crime. The issue of crimes against Serbs and the issue of who started the war determines the context in which the massacre was committed. Without an understanding of the context in which it occurred, one cannot understand the mindset of the Bosnian Serbs, or make an intelligent determination as to whether the massacre was motivated by genocidal intent or not.

Moreover, if a defendant like Radovan Karadzic is not allowed to present evidence of war crimes against Serbs, then we have to rely on the Prosecution to do that and to bring the perpetrators to justice.

Unfortunately, there is evidence that Serbs have been targeted for selective prosecution by the ICTY. In 2006 a survey of twenty-five forensic pathologists employed by the Tribunal was conducted, and the results were published in the academic journal “Medicine, Science and the Law.”<sup>396</sup>

The study found that “some of the forensic pathologists involved belonged to human rights organizations that were not neutral in the conflicts. Moreover, most of them belonged to countries which are NATO members.”

In spite of the Tribunal’s attempt to stack the deck with pathologists that would be sympathetic to the NATO cause, the study found that of the twenty-five pathologists surveyed: “Three forensic pathologists reported that they had been subjected to pressures, one by the Croatian government, the two others by a human rights organization, a non-governmental organization which controlled the course of autopsies and also concerning the writing of the autopsy reports.”

Moreover, “Three forensic pathologists were aware of mass grave sites wittingly not investigated by the ICTY, especially mass graves of Serbian victims” and “four of them questioned the impartiality of the justice led by the ICTY.”

The study noted disturbing irregularities concerning the ICTY’s forensic investigations, including that the “financial independence of the forensic

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<sup>394</sup> Radovan Karadzic trial transcript, pg. 46536

<sup>395</sup> ICTY Case No. IT-95-5/18-T, Decision on Accused’s Fifth Motion for Binding Order (United States of America), 22 August 2012

<sup>396</sup> Geoffroy Lorin De La Grandmaison, Michel Durigon, Grégoire Moutel, and Christian Hervé; “The international criminal tribunal for the former Yugoslavia (ICTY) and the forensic pathologist: ethical considerations”; *Med Sci Law*. 2006 July; 46(3): 208-212. <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3348121/>>

pathologists could be questioned as not all of them have been paid directly by the ICTY according to the comments of some of our respondents.”

The study also noted what it called a “disturbing feature of the ICTY proceedings” where “not all forensic pathologists involved presented verbal evidence to the court in The Hague, but only the senior chief forensic pathologist of the team appeared to give evidence, in contradiction to the tradition that the responsibilities of an individual forensic scientist are personal and not corporate.”

The selective nature of the ICTY’s prosecutions are obvious. Serbs are prosecuted while their opponents are given impunity for the same offenses.

For example, Milan Martić was indicted by the ICTY for using cluster bombs against Zagreb in retaliation for Operation Flash. According to the indictment, the cluster bomb attacks killed seven people.<sup>397</sup>

On May 7, 1999 NATO warplanes dropped cluster bombs on the Serbian city of Nis. The bombs hit a hospital and a market killing 15 civilians.<sup>398</sup> Yet nobody from NATO was brought up on war crimes charges by the ICTY. Obviously, if it’s a war crime to drop cluster bombs on Zagreb, then it’s a war crime to drop cluster bombs on Nis.

The double standard is plain to see. The ICTY prosecuted Dragomir Milošević for shelling the TV Sarajevo building. According to the indictment, the attack left one person dead and 28 wounded.<sup>399</sup>

On April 23, 1999 NATO bombed Radio Television Serbia’s main studio in Belgrade. According to the BBC the attack killed 10 people and left another 18 wounded.<sup>400</sup> Nobody from NATO was prosecuted by the ICTY. Again, if it’s a war crime to bomb a TV station in Sarajevo, then it should also be a war crime to bomb a TV station in Belgrade.

Gen. Milošević was also prosecuted for firing on buses and trams in Sarajevo. The indictment listed 10 people killed as a result of these attacks.<sup>401</sup> But when NATO bombed a commuter train near Grdelica on April 12, 1999 killing 9 civilians,<sup>402</sup> and a bus in Luzane on May 3, 1999 killing another 23 civilians,<sup>403</sup> there

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<sup>397</sup> ICTY Case Number IT-95-11, Initial Indictment of Milan Martić, 25 July 1995, paras. 7, 8, 15, and 17

<sup>398</sup> Richard Norton-Taylor, *The Guardian* (London), “NATO cluster bombs ‘kill 15’ in hospital and crowded market” Friday 7 May 1999  
<<http://www.theguardian.com/world/1999/may/08/balkans>>

<sup>399</sup> ICTY Case No. IT-98-29/1-PT, Amended Indictment of Dragomir Milošević, 12 December 2006, Schedule 2, Pg. 2

<sup>400</sup> BBC News, “World: Europe; Nato defends TV bombing,” April 23, 1999  
<<http://news.bbc.co.uk/2/hi/europe/326653.stm>>

<sup>401</sup> ICTY Case No. IT-98-29/1-PT, Amended Indictment of Dragomir Milošević, 12 December 2006, Schedule 1 and 2

<sup>402</sup> *The Times* (London), “NATO hits passenger train”, April 13, 1999

wasn't a peep out of the ICTY prosecutor. Yet again, if it is a war crime to fire on busses and trams in Bosnia, then surely it is a war crime to bomb busses and commuter trains in Serbia. The Prosecution at the ICTY is selective.

Richard Goldstone was the ICTY's first chief prosecutor, and he admitted to the *San Francisco Chronicle* that "international criminal justice [is] all about politics."<sup>404</sup>

The Tribunal is the brainchild of the CIA. Documents declassified by the Clinton Presidential Library show that the Tribunal began as a U.S. policy initiative. On 1 February 1993, the Director of the CIA circulated a memo that assessed how various countries would respond to "US policy options" in the former Yugoslavia.

One of the policy options was to "establish a war crimes tribunal". According to the memo, Western Europeans would be supportive of the Tribunal, Moscow would oppose it, and "Muslim states would approve a War Crimes Tribunal and publicizing Serbian atrocities. Even treatment of Bosnian transgressions, however, would be regarded as tilting in Belgrade's favor."<sup>405</sup>

It was the United States that pushed hardest for the Tribunal. In a speech at the U.S. Supreme Court, former ICTY President Gabrielle Kirk McDonald was generous in her praise for former US Secretary of State Madeline Albright. She said, "We benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations, she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the 'mother of the Tribunal'."<sup>406</sup>

The ICTY has been used for political purposes since its inception. In an interview with BBC Radio, former U.S. Assistant Secretary of State Richard Holbrooke said, "When President Clinton brought me back to Washington to take over the Bosnia negotiations, I realized that the War Crimes Tribunal was a huge valuable tool. We used it to keep the two most wanted war criminals in Europe - Karadzic and Mladic - out of the Dayton peace process and we used it to justify everything that followed."<sup>407</sup>

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<sup>403</sup> The *Independent* (London), "War in the Balkans: Allies Admit Killing 23 Civilians in Bridge Bombing; Innocent Victims," May 3, 1999

<sup>404</sup> Bob Egelko, *San Francisco Chronicle*, "Renowned prosecutor says war criminals no longer heroes," November 12, 2013 <<http://blog.sfgate.com/crime/2013/11/12/renowned-prosecutor-says-war-criminals-no-longer-heroes/>>

<sup>405</sup> BTF Assessment: "Yugoslavia" Policy Options: Likely Responses 01-Feb-93  
<[http://www.foia.cia.gov/sites/default/files/document\\_conversions/1817859/1993-02-01.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1817859/1993-02-01.pdf)>

<sup>406</sup> Remarks at the United States Supreme Court, Washington D.C., Monday April 5, 1999

<sup>407</sup> Interview with Richard Holbrooke, "United Nations or Not? The Final Judgement: Searching for International Justice", BBC Radio, September 9, 2003,  
<[http://www.bbc.co.uk/radio4/news/un/transcripts/transcript\\_programme3.shtml](http://www.bbc.co.uk/radio4/news/un/transcripts/transcript_programme3.shtml)>

Former NATO spokesman Jamie Shea openly bragged to the media that “NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers.” According to Shea, “Without NATO countries, there would be no International Court of Justice nor would there be any International Criminal Tribunal for the Former Yugoslavia, because NATO countries are in the forefront of those who have established these two tribunals, who fund these tribunals, and who support on a daily basis, their activities.”<sup>408</sup>

The possibility of the Tribunal indicting NATO pilots for war crimes was never realistic. The CIA and the State Dept. didn’t set-up the Tribunal to meet out evenhanded justice. That isn’t what NATO pays the Tribunal to do. The real purpose of the Tribunal has always been to justify American and NATO policy in the region – and NATO’s policy was to bomb the Serbs.

When reporters asked Lester Munson, Communications Director for the U.S. House of Representatives Committee on International Relations, if the Tribunal could prosecute NATO officers for attacking civilian targets in Serbia he told them: “You’re more likely to see the UN building dismantled brick-by-brick and thrown into the Atlantic than to see NATO pilots go before a UN tribunal.”<sup>409</sup>

What does this have to do with the Srebrenica massacre? It’s relevant because the ICJ and various politicians, researchers, journalists, and academics have uncritically accepted the ICTY’s findings as credible when they plainly should not have done so.

The ICTY is primarily funded by one of the parties to the conflict (NATO) and it engages in the selective prosecution of Serbs while giving NATO impunity for exactly the same offenses. The ICTY is not impartial and so its findings cannot be taken on faith. By extension any academic research, journalism, or political discourse that relies directly or indirectly on the ICTY’s findings has been compromised as well.

The evidence that has been presented at the ICTY is of tremendous value, and it will help us establish what happened at Srebrenica in July 1995, but the findings and conclusions reached by the Tribunal itself should be viewed with skepticism.

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<sup>408</sup> M2 PRESSWIRE; May 28, 1999; NATO Transcript of press conference given by Mr Jamie Shea and Major General Walter Jertz in Brussels and “Press Conference Conducted by NATO Spokesperson Jamie Shea and Major Gen. W. Jertz,” M2 Presswire, May 17, 1999

<sup>409</sup> “Arbour Draws US Ire Over Remarks About NATO Pilots”, Monday, May 24, 1999, UN Wire, <[http://www.unwire.org/unwire/19990524/2768\\_story.asp](http://www.unwire.org/unwire/19990524/2768_story.asp)>; See also: “We’ll never hand pilots to Arbour: U.S. official”, National Post (Canada), May 22, 1999

## NASER ORIC AND THE 28TH INFANTRY DIVISION

When Naser Oric, the commander of the 28th Infantry Division of the ABiH in Srebrenica, was acquitted by the ICTY Appeals Chamber for crimes committed against Serbs, the Head of the ICTY Prosecutor's Liaison Office, Deyan Mihov, told American Embassy personnel in Belgrade that "It is becoming increasingly obvious that decisions in the chamber are being politically driven."<sup>410</sup>

What is also obvious is that the Prosecution didn't really want to convict Oric. Several high-profile witnesses who could have testified to his acts and conduct were conspicuously not called to testify against him in his trial.

Oric showed videotaped evidence of his handiwork to at least two Western journalists who published contemporaneous reports of what they had seen in major Western newspapers.

John Pomfret reported in the *Washington Post* that "Naser Oric's war trophies don't line the wall of his comfortable apartment – one of the few with electricity in this besieged Muslim enclave stuck in the forbidding mountains of eastern Bosnia. They're on a videocassette tape: burned Serb houses and headless Serb men, their bodies crumpled in a pathetic heap.

"'We had to use cold weapons that night,' Oric explains as scenes of dead men sliced by knives roll over his 21-inch Sony. 'This is the house of a Serb named Ratso,' he offers as the camera cuts to a burned-out ruin. 'He killed two of my men, so we torched it. Tough luck.'"<sup>411</sup>

The second journalist was Bill Schiller. He reported on the front page of the *Toronto Star* that "Oric is a fearsome man, and proud of it.

"I met him in January 1994, in his own home in Serb-surrounded Srebrenica.

"On a cold and snowy night, I sat in his living room watching a shocking video version of what might have been called Naser Oric's Greatest Hits.

"There were burning houses, dead bodies, severed heads, and people fleeing. "Oric grinned throughout, admiring his handiwork.

"'We ambushed them,' he said when a number of dead Serbs appeared on the screen.

"The next sequence of dead bodies had been done in by explosives: 'We launched those guys to the moon,' he boasted.

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<sup>410</sup> <https://www.wikileaks.org/plusd/cables/06BELGRADE1092.html>

<sup>411</sup> John Pomfret, *The Washington Post*, "Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy" February 16, 1994, Wednesday, Final Edition, Pg. A14



When footage of a bullet-marked ghost town appeared without any visible bodies, Oric hastened to announce: 'We killed 114 Serbs there.'<sup>412</sup>

Here you have two Western journalists, an American and a Canadian, who were both shown videotaped evidence of Serbs literally being butchered, cut up with knives, and beheaded by Naser Oric's men while Oric himself was bragging about what he had done, and the prosecutor didn't put either of them on the witness stand.

It wouldn't have been unusual at all for the Prosecution to call journalists to testify. The Prosecution frequently puts journalists on the witness stand. For example, Jeremy Bowen of the BBC has been called to testify in four different trials, Ed Vulliamy of the Guardian has testified for the Prosecution in five trials, Aernout van Lynden of Sky News has testified in seven different trials, and Martin Bell of the BBC has been put on the stand by the Prosecution in five separate trials.

Another high-profile witness that the Prosecution didn't call was Gen. Philippe Morillon of France who served as the Commander of the UN Forces in Bosnia during part of the war. Although the Prosecution did not call Morillon to testify in the Oric trial, they did call him to testify in the Slobodan Milosevic trial where Milosevic questioned him about his dealings with Oric.

Morillon told the Milosevic trial chamber that Oric was "a warlord who reigned by terror in his area and over the population itself". He said that Oric and his men, "engaged in attacks during Orthodox holidays and destroyed villages, massacring all the inhabitants."<sup>413</sup> According to Morillon's witness statement, Oric "admitted to killing Bosnian Serbs each night."<sup>414</sup>

When asked what Oric did to the Serbs he captured, Morillon explained that "He didn't even look for an excuse. It was simply a statement: One can't be bothered with prisoners." He said, "I wasn't surprised when the Serbs took me to a village to show me the evacuation of the bodies of the inhabitants that had been thrown into a hole, a village close to Bratunac."<sup>415</sup>

The Presiding judge in the Milosevic trial asked him, "Are you saying, then, General, that what happened in 1995 was a direct reaction to what Naser Oric did to the Serbs two years before?" and he answered "Yes. Yes, Your Honour. I am convinced of that. This doesn't mean to pardon or diminish the responsibility of the people who committed that crime, but I am convinced of that, yes."<sup>416</sup>

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<sup>412</sup> Bill Schiller, *The Toronto Star*, "Fearsome Muslim warlord eludes Bosnian Serb forces," July 16, 1995, Sunday, Final Edition, Pg. A1

<sup>413</sup> S. Milosevic trial transcript, ICTY, Thursday, 12 February 2004, Pg. 31965-31966

<sup>414</sup> S. Milosevic trial Prosecution exhibit P648.2, para. 45

<sup>415</sup> S. Milosevic trial transcript, ICTY, Thursday, 12 February 2004, Pg. 31966

<sup>416</sup> *Ibid.*, pg. 31975

The Prosecution did not make a good faith effort expose Oric's crimes and bring him to justice. It appears as though the purpose of his trial was to white-wash his crimes by deliberately presenting a weak case that would end with his acquittal.

Given Gen. Morillon's testimony about what Naser Oric and the men under his command did to the Serbs in the area, it isn't hard to understand why the Serbs might have harbored some resentment against the Muslim soldiers and military aged men that were trying to break out of Srebrenica.

Zvonko Bajagic summed-up the Serbian view of the situation when he testified in the Radovan Karadzic trial. He described his feelings towards the Muslim prisoners from Srebrenica that he saw being held captive saying, "I was not in the least interested in them, because they were soldiers, and they were the cause of a lot of plight and sorrow. They killed a lot of Serbs. They plundered and burned villages. Maybe not all of them, but in my eyes they were all villains and criminals. It was supposed to be a demilitarised zone, and they were armed to the teeth. They had more ammunition than we did. Whenever they wanted they entered our territory, and whenever they did that they committed crimes. They killed people. They plundered and burned. In the village of Podravanje, they took one of my own employees, they impaled him and they grilled him on the spit."<sup>417</sup>

The fact that Srebrenica had been declared a UN Safe Area didn't stop the Muslims from launching attacks out of the enclave.

Just two weeks before the Bosnian Serb Army attacked Srebrenica, the Muslims attacked a small, undefended Serbian village. At 4:30 AM on June 26, 1995, Muslim forces from Srebrenica attacked the Serb village of Visnjica, burning houses, killing livestock, and forcing the civilian population to flee for their lives.<sup>418</sup>

Gen. Morillon described the mindset of the Serbs in the area. He said, "the local Serbs, the Serbs of Bratunac, these militiamen, they wanted to take their revenge for everything that they attributed to Naser Oric. It wasn't just Naser Oric that they wanted to revenge, take their revenge on, they wanted to revenge their dead on Orthodox Christmas. They were in this hellish circle of revenge. It was more than revenge that animated them all.

"Not only the men. The women, the entire population was imbued with this. It wasn't the sickness of fear that had infected the entire population of Bosnia-Herzegovina, the fear of being dominated, of being eliminated, it was pure hatred."<sup>419</sup>

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<sup>417</sup> Testimony of Zvonko Bajagic, ICTY Karadzic Transcript, 10 July 2013, pg. 41169

<sup>418</sup> Stephen Kinzer, "Government Troops Attack Bosnian Serb Village," The New York Times News Service, June 26, 1995

<sup>419</sup> S. Milosevic trial transcript, ICTY, 12 February 2004, pg. 31975

## THE ATTACK ON SREBRENICA

On July 2, 1995 Major-General Milenko Zivanovic issued the Drina Corps of the Bosnian-Serb Army (VRS) an order to “Split apart the enclaves of Zepa and Srebrenica and to reduce them to their urban areas.” The order explained that “During the last few days, Muslim forces from the enclaves of Zepa and Srebrenica have been particularly active. They are infiltrating sabotage groups which are attacking and burning undefended villages, killing civilians, and small isolated units around the enclaves of Zepa and Srebrenica. They are trying extremely hard to link up the enclaves and open a corridor to Kladanj.”<sup>420</sup>

The operation, codenamed “Krivaja 95” was launched on the 6th of July. Col. Thomas Karremans was the commander of the UN Dutch Battalion that was stationed in Srebrenica at the time. He testified that “On the 6th of July, in the morning, about 3:00, the war started over there. It started in our area, the compound of Potocari, by shooting over the compound with some rockets. The attacks started in the southern part of the enclave, in the area of OP Foxtrot. That was on the Thursday, Thursday, the 6th of July, and those attacks were carried out, let’s say, during six days.”<sup>421</sup>

Late on 9 July 1995, Bosnian-Serb President Radovan Karadzic issued an additional order, expanding the scope of the original Krivaja 95 orders, and authorizing the VRS to take over the entire Srebrenica enclave.<sup>422</sup>

## THE FORMATION OF THE COLUMN

On the evening of 10 July, word spread through Srebrenica that the enclave was about to fall and that able-bodied men should take to the woods and form a column together with members of the 28th Division of the ABiH and attempt a breakthrough towards Bosnian Muslim-held territory near Tuzla.<sup>423</sup>

According to the ABiH’s own internal reporting, “On the night of 11/12 July 1995, the decision was taken to break through towards Tuzla ... The commanders were ordered to line up the units and form a column.”

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<sup>420</sup> ICTY Blagojevic et al., Exhibit P543a; Drina Corps Order No. 04/156-2, “Krivaja 95” Attack Plan, dated 2 July 1995

<sup>421</sup> Testimony of Col. Thomas Karremans, ICTY Krstic transcript, 24 May 2000, Pg. 3317

<sup>422</sup> ICTY Popovic, exhibits P00033, P00849, “VRS Main Staff communication to the Drina Corps Command, regarding combat operations around Srebrenica, signed by Tolimir, 9 July 1995” (stating that Karadzic “has agreed with the continuation of operations for the takeover of Srebrenica, disarming of Muslim terrorist gangs and complete demilitarization of the Srebrenica enclave”).

<sup>423</sup> Blagojevic Ex. P851, Report based on DutchBat debriefing, 1995, p. 32

According to their report, “Numbers were not established when the column was formed and set off that evening, but some estimates put the number in the column at 10,000 to 15,000 people, including approximately 6,000 armed soldiers, not counting soldiers from Zepa. There were not many women and children in the column. There were possibly around 10 women.”<sup>424</sup>

While the army and the able-bodied men were forming the column to break through the Bosnian-Serb lines and reach Tuzla, approximately 25,000 civilians gathered around the UN compound in Potocari.

## **THE SEPARATION OF MEN AT POTOCARI**

According to Col. Karremans, “Of those 25,000 refugees, most of them were women, children, and elderly people. There were about two to three per cent men between 16 and 60.”<sup>425</sup> His deputy Robert Franken estimated that “there were about 300, 350 men within the compound, and we estimated that there were 500 to 600 men outside the compound. The rest were women and children.”<sup>426</sup>

When Bosnian-Serb forces entered Potocari on July 12th they separated the men from the rest of the refugees and held them prisoner. The women, children and elderly were loaded onto buses and sent to Muslim-held territory in Kladanj.

According to Franken, “One of the demands or rules Mladic gave us was -- or his intents, he told us that he intended to separate the men between 16 and 60 years to check whether they were war criminals or soldiers.”<sup>427</sup>

He explained that separating the men to determine who was a combatant and who was a civilian was “in those days, a normal procedure” because it was difficult to distinguish who was a combatant in an environment where the soldiers didn’t always wear their uniforms.<sup>428</sup>

1,487 of the men on the ICTY Prosecutor’s list of Srebrenica missing and dead were last seen by their families in Potocari on July 12-13.<sup>429</sup> Prosecutors and the judges at the ICTY estimate that the number of men taken prisoner by Bosnian

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<sup>424</sup> ICTY Popovic trial exhibit 1D00839.E, Report to General Staff BH Army, Sarajevo, Security Administration by Army of the Republic of Bosnia and Herzegovina, 2nd Corps Command, Military Security Service Department, 28 August 1995; Pg. 7

<sup>425</sup> Krsitic transcript, 24 May 2000, Pg. 3330

<sup>426</sup> ICTY Krsitic transcript, 4 April 2000, Pg. 2307

<sup>427</sup> Ibid.

<sup>428</sup> ICTY Karadzic Transcript, 17 January 2012, Pg. 23173

<sup>429</sup> Popovic trial exhibit P00566; See analysis at footnote 1187 of Prosecution’s final brief in Popovic trial, 30 July 2009, pg. 148

Serb forces at Potocari was about 1,000.<sup>430</sup> This is roughly consistent with upper end of Karremans and Franken's estimate of the number of men that were present among the refugees.

## **MEN CAPTURED FROM THE COLUMN**

In addition to the men separated at Potocari, Bosnian-Serb forces also captured prisoners from the column of Muslim men that broke out of the enclave.

The vast majority of men captured from the column were captured on July 12th and 13th as they attempted to cross the Bratunac – Konjevic Polje – Milici Road. These prisoners were detained at two main sites: the Sandici meadow and a football field in Nova Kasaba.

Smaller groups were captured at Konjevic Polje, Jadar River, Luke School, and in the general area around Burnice, Sandici, Kamenica, Krajinovici and Mratinci all the way until the 17th of July.

According to the ICTY prosecution: On the evening of July 13th two busloads of prisoners held at an agricultural warehouse in Konjevic Polje were sent to Bratunac.<sup>431</sup> The busses were not completely full and stopped to pick up prisoners at Sandici Meadow on their way.<sup>432</sup> On the morning of July 13th sixteen men were captured by Bosnian-Serb forces and taken to a remote part of the Jadar River where they were killed on the spot.<sup>433</sup> On July 13th, six Bosnian Muslim men were captured, and then interrogated and killed at the Bratunac brigade headquarters.<sup>434</sup> Between July 13th and 17th 200 prisoners were captured in a sweep of the terrain between Sandici, Kamenica, Krajinovici and Mratinci towards Konjevic Polje.<sup>435</sup> On July 13th at Luke School near Tisca 22 men were captured off of busses transporting refugees and killed.<sup>436</sup>

By our reckoning, the ICTY prosecution claims to have adduced evidence showing that the number of prisoners captured and detained at places other than Potocari, Nova Kasaba, and Sandici meadow was about 350 to 400 prisoners.

The men taken prisoner in Potocari and the men captured from the column over the course of July 12-13 were sent to Bratunac, and on the morning of July

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<sup>430</sup> Krstic Judgment, ICTY, 2 August 2001, para. 66; Popovic et al. indictment, 4 August 2006, para 28

<sup>431</sup> Prosecution's final Trial Brief in Popovic trial; para 542-544

<sup>432</sup> Testimony of prosecution witness Mevludin Oric, Popovic trial transcript, 28 August 2006, pg. 898

<sup>433</sup> Prosecution's final Trial Brief in Popovic trial; para 545-546

<sup>434</sup> Ibid; Para 560

<sup>435</sup> Ibid; Para 577

<sup>436</sup> Ibid; Para 637-639

14 they were sent north to the Zvornik municipality where they were killed. The exception were part of the prisoners on Sandici Meadow who were sent to a warehouse in Krivica and killed there on the evening of July 13th.

## **PRISONERS AT NOVA KASABA**

According to the ICTY, “1,500 to 3,000 men captured from the column were held prisoner on the Nova Kasaba football field on 13 July 1995.”<sup>437</sup> The Krstic trial chamber based this finding on the testimony of two of the prisoners who were held captive on the field: “Witness P” and “Witness Q.”

However, better evidence exists than what was relied upon by the Tribunal. The best evidence is an aerial reconnaissance photograph that was produced by the United States showing the group of prisoners sitting on the Nova Kasaba football field on the afternoon of July 13th.



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<sup>437</sup> Krstic Judgment, ICTY, 2 August 2001, para. 177

According to the CIA's estimation, there are approximately 600 prisoners visible in this photograph.<sup>438</sup>

The CIA's estimate can be corroborated by overlaying the reconnaissance photograph in Google Earth and measuring how much ground space is occupied by the prisoners. These measurements show that the prisoners occupied about 670 square meters of ground space.<sup>439</sup>

It is important to note that this picture was taken at about 2:00 PM in the afternoon, while the process of capturing the prisoners was still underway and so prisoners continued to arrive after it was taken.

Zoran Malinic was a Bosnian-Serb soldier tasked with guarding and compiling a list of prisoners and he testified in the Tolimir trial that the prisoners were held there until about 6:00 PM on July 13th when they were loaded on busses and sent to Bratunac. He estimated the total number of prisoners held captive at Nova Kasaba to be between 1,000 and 1,200.<sup>440</sup>

Bojan Subotic, commander of the Bosnian-Serb military police platoon tasked with loading the prisoners onto the busses and trucks, testified that at around 7 p.m. on 13 July, about fifteen vehicles arrived at the Nova Kasaba Football Field to transport the prisoners to Bratunac.<sup>441</sup> If we assume that about 70 people were loaded onto each vehicle that gives us about 1,050 prisoners.

Based on this evidence, we can be reasonably certain that sometime around 6:00 or 7:00 on the evening of July 13th approximately 1,100 prisoners were loaded on to buses and trucks and sent from the Nova Kasaba football field to Bratunac.

This would mean that approximately 500 prisoners arrived at the football field in the four or five hours after the reconnaissance picture was taken.

The process of capturing prisoners and bringing them to the football field had been underway since the day before.

Lt. Vincentius Egbers, was a soldier in the Royal Dutch Army who was deployed to the Srebrenica enclave with DutchBat III. On July 12th he saw "between 100 and 200 men" lined up on the field "sitting on their knees with their

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<sup>438</sup> DCI Interagency Balkan Taskforce, Mass Graves in the Former Yugoslavia, 6 October 1995, <[http://www.foia.cia.gov/sites/default/files/document\\_conversions/1817859/1995-10-06C.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1817859/1995-10-06C.pdf)>

<sup>439</sup> Google Earth KMZ File available for download at: <http://www.slobodan-milosevic.org/documents/srebrenica.kmz>

<sup>440</sup> Testimony of prosecution witness Zoran Malinic, Tolimir trial transcript, 9 June 2011, pg. 15378, 15387, 15397

<sup>441</sup> Testimony of prosecution witness Bojan Subotic, Popovic trial transcript, 1 September 2008, pg. 24989-24990

hands in their neck.”<sup>442</sup> On July 13th he passed by the field again in the morning and saw “there were still men on the football field and men who were brought towards the football field at the day before” he estimated their number to be “a few hundred”.<sup>443</sup>

It is difficult to believe that in only 4 or 5 hours after the picture was taken the number of prisoners skyrocketed from the 600 who were photographed at 2:00 PM to 3,000 as alleged by the Tribunal. The estimates of Malinic and Subotic that place the total number of prisoners at approximately 1,100 seem more credible.

## **PRISONERS AT SANDICI MEADOW**

Throughout the morning and afternoon of July 13th Bosnian-Muslim men from the column surrendered to, or were captured by, Bosnian-Serb troops at Sandici meadow. Some of the prisoners were sent to Kravica warehouse 1.2 kilometers away and massacred there at approximately 5:00 PM that evening. The rest of the prisoners remained on the meadow before being sent to Bratunac later that day.

The Popovic trial chamber heard estimates from people detained on the meadow that there was a total of anywhere from 900 to 2,000 prisoners held captive there.<sup>444</sup> According to the Krstic trial verdict, “Between 1,000 and 4,000 Bosnian Muslim prisoners taken along the Bratunac-Konjevic Polje road were detained in the Sandici Meadow throughout 13 July 1995.”<sup>445</sup> The Krstic trial chamber bases this estimate largely on Serbian radio communications allegedly intercepted by the Bosnian Army.

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<sup>442</sup> Testimony of prosecution witness Lt. Egbers, Popovic trial transcript, 18 October 2006, pg. 2724-2725

<sup>443</sup> Testimony of prosecution witness Lt. Egbers, Popovic trial transcript, 19 October 2006, pg. 2766-2768

<sup>444</sup> Popovic Judgment, ICTY, 10 June 2010, Footnote 1299

<sup>445</sup> Krstic Judgment, ICTY, 2 August 2001, para. 177





As was the case with the Nova Kasaba football field, there is better evidence than that relied upon by the Tribunal. Here too the United States took an aerial reconnaissance picture of the meadow on the afternoon of July 13th.

Again, according to the CIA's estimate there are approximately 400 prisoners visible in this photograph.<sup>446</sup>

Yet again, we can corroborate the CIA's findings by overlaying the photograph in Google Earth and measuring the ground space occupied by the prisoners, and we can see that they're occupying approximately 447 square meters of ground space.<sup>447</sup>

It is important to note that busses can be seen parked on the road by the meadow, and in another reconnaissance photo taken at the same time two busses can be seen parked in front of the Kravica warehouse. It is clear from the photographs that the transfer of prisoners from Sandici Meadow to Kravica warehouse was underway when the photographs were taken.

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<sup>446</sup> DCI Interagency Balkan Taskforce, Mass Graves in the Former Yugoslavia, 6 October 1995, <[http://www.foia.cia.gov/sites/default/files/document\\_conversions/1817859/1995-10-06C.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1817859/1995-10-06C.pdf)>

<sup>447</sup> Google Earth KMZ File available for download at: <http://www.slobodan-milosevic.org/documents/srebrenica.kmz>



The ICTY's lead Srebrenica investigator, Jean-Rene Ruez testified about the reconnaissance photographs in the Popovic trial saying, "We knew from the Witness 37 that he was taken there by bus, before being taken inside this east part, and the picture, the aerial picture dated 13 July, shows that at that moment, just at that moment, two buses were parked in front of this east part of the warehouse."<sup>448</sup>

Witness 37 testified under the pseudonym PW-111 in the Popovic trial, and he did indeed testify that "two buses arrived [at the meadow], and they awaited us on the asphalt road. They made a selection. They didn't get everybody at the same time. This officer came, the one who stood in front of us with a knife, and he said, 'You, you, you, come out. Go down to the asphalt road and get on buses.' I was among them. He selected me, too."<sup>449</sup>

During his testimony PW-111 marked a photograph showing where the buses that brought him and the group of prisoners he was with to the warehouse were parked and, as you can see below, it corresponds exactly to aerial reconnaissance photograph.<sup>450</sup>

Most importantly, PW-111 testified that the prisoners he arrived with were the first ones to arrive at the warehouse.<sup>451</sup> And although he wasn't exactly sure how long the process of transporting prisoners from the meadow to the warehouse lasted, he estimated that it took an hour and a half to two hours.<sup>452</sup> Another survivor of the Kravica warehouse massacre testified that he was not brought from the meadow to the warehouse until 4:00 or 5:00 PM.<sup>453</sup>

<sup>448</sup> Testimony of ICTY investigator Jean-Rene Ruez, Popovic trial transcript, 11 September 2006, pg. 1443

<sup>449</sup> Testimony of prosecution witness PW-111, Popovic trial transcript, 7 February 2007, pg. 6978-6979

<sup>450</sup> Popovic trial exhibit PIC00062

<sup>451</sup> Testimony of prosecution witness PW-111, Popovic trial transcript, 7 February 2007, pg. 7056

<sup>452</sup> Ibid., pg. 6989

<sup>453</sup> Prosecution's final Trial Brief in Popovic trial, para. 601 reference to closed session testimony of PW- 156

Given that the distance from the meadow to the warehouse is only 1.2 kilometers, if the busses seen in the aerial reconnaissance photograph are the same busses that brought PW- 111 to the warehouse, and if PW-111 was among the first to arrive at the warehouse, and if it took a couple of hours to bring the rest of the prisoners from the meadow to the warehouse that would mean that at 2:00 PM when the reconnaissance photos were taken that the transfer of prisoners had just begun and that most of the prisoners would have still been at the Sandici meadow.

The Tolimir Trial Chamber at the ICTY, “finds beyond reasonable doubt that members of the Bosnian Serb Forces killed between 600-1,000 Bosnian Muslims at Kravica Warehouse on 13 and 14 July 1995.”<sup>454</sup> The Popovic trial chamber “concludes that at least 1,000 people were killed in Kravica Warehouse”.<sup>455</sup>

The problem with those findings is that the reconnaissance pictures indicate that there weren’t enough prisoners at Sandici meadow for that many prisoners to have been sent to the warehouse. If there were only 400 prisoners on the meadow when the transfer of prisoners was just getting underway at 2:00 PM, then it is extraordinarily unlikely that 1,000 prisoners could have been sent from the meadow to the warehouse.

The Kravica Warehouse is a finite space. The total floor space of the two rooms of Kravica warehouse where the prisoners were held is 589.5 square meters; 262.5 square meters in the west room, and 327 square meters in the east room.<sup>456</sup> Therefore, we can estimate that the number of prisoners who could have been seated on the floor of Kravica warehouse is somewhere in the region of 600 or 700 men if the warehouse were empty, which it wasn’t.

The warehouse was in use at the time of the massacre and part of the floor space was occupied by the material being stored inside the warehouse. One of the men who survived the massacre testified that inside the room of the warehouse where he was sitting there were containers, an old wire fence, and a dilapidated old car that were all being stored inside of the warehouse.<sup>457</sup>

Aleksandar Tesic, who served as secretary of the municipal Secretariat for National Defence in Bratunac, saw the warehouse on July 14th after the executions had ended and according to his testimony, “I figure there must have been at least between 200 and 300 bodies lying there piled about a metre and a half high. At first I thought it was firewood stacked up against the wall when I first

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<sup>454</sup> Tolimir Judgment, ICTY, 12 December 2012, para. 376

<sup>455</sup> Popovic Judgment, ICTY, 10 June 2010, para. 443

<sup>456</sup> Popovic trial exhibit P04529

<sup>457</sup> Testimony of prosecution witness PW-111, Popovic trial transcript, 7 February 2007, pg. 6988

cast a glance in that direction, and then I realised what it was. So it really left a horrible impression upon us.”<sup>458</sup>

When asked how many people had been killed at Kravica Warehouse, Momir Nikolic, the assistant chief of security and intelligence for the Bratunac Brigade of the Bosnian Serb Army, testified for the Prosecution that “I never really learned the exact number of people who were killed. But the assessment was several hundreds of them.”<sup>459</sup>

According to Prosecutors, “some 500 to a thousand people were killed” at Kravica Warehouse.<sup>460</sup> Based on the number of people present at Sandici meadow at 2:00 PM, and based on the size of the warehouse it would seem that 500 is at the upper end of any estimate that can be considered plausible.

Given that some 500 prisoners arrived at Nova Kasaba between 2:00 PM and 7:00 PM we may assume that the situation at Sandici Meadow was similar, and that several hundred prisoners who had not been sent to Kravica warehouse were sent onward to Bratunac together with the prisoners from Nova Kasaba and the men separated at Potocari.

## **PRISONERS SENT FROM BRATUNAC TO ZVORNIK**

As stated earlier, the prisoners were initially sent to Bratunac on the 12th and 13th of July, and then they were sent onwards to various facilities in the Zvornik municipality where they were executed.

According to the ICTY Prosecution, some 6,000 prisoners were sent to Zvornik and killed.<sup>461</sup> This is a highly improbable estimate for a number of reasons.

We know from the missing persons reports that 1,487 men were captured among the refugees at Potocari. We know from the testimony of Malinic and Subotic that approximately 1,100 prisoners were held at Nova Kasaba football field, and we’re assuming that several hundred prisoners were sent from Sandici Meadow to Bratunac. Our estimates to this point total about 3,000 prisoners who would have been sent from Bratunac to Zvornik.

Our hypothesis that 3,000 prisoners were sent to Zvornik is confirmed by Vinko Pandurevic’s July 18, 1995 combat report.

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<sup>458</sup> Testimony of defense witness Aleksandar Tesic, Karadzic trial transcript, 13 March 2013, Pg. 35325

<sup>459</sup> Testimony of prosecution witness Momir Nikolic, Blagojevic and Jokic transcript, 23 December 2003, Pg. 1737

<sup>460</sup> Prosecutor Peter McCloskey, Blagojevic and Jokic transcript, 5 May 2003, Pg. 229

<sup>461</sup> Prosecutor Peter McCloskey at Pg. 1484 of the Obrenovic transcript, and para 478 of the Prosecution’s final brief in the Popovic trial

Pandurevic, in his capacity as the commander of the Zvornik brigade of the Bosnian-Serb Army, wrote that “It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, in addition to 7,000 or so who have fled into the forests. This has created an extremely complex situation and the possibility of total occupation of Zvornik in conjunction with the forces at the front. These actions have stirred up great discontent among the people and the general opinion is that Zvornik is to pay the price for taking of Srebrenica.”<sup>462</sup>

We know that the buildings in the Zvornik municipality that were used to house the prisoners had a combined floor space of 1,866.91 square meters because their blueprints have been tendered into evidence at the ICTY.<sup>463</sup>

We also know the approximate number of busses and trucks that were used to transport the prisoners from Bratunac to Zvornik. In fact, the number of busses that were used to transport the prisoners isn’t even in dispute.

When Judge Vassilenko handed down the judgment in the Blagojevic & Jokic trial he said, “On the morning of 14 July, a convoy of approximately 30 buses filled with Bosnian Muslim men

left Bratunac for Zvornik. Members of the Bratunac Brigade served as an escort for this convoy. The Bosnian Muslim men were taken to various temporary detention centres in Zvornik municipality, including Grbavci school, the Petkovci school, and the Pilica school. Between 14 and 16 July, the men were blindfolded, put on buses, and taken to nearby fields where group and group of helpless terrified Bosnian Muslim men were executed.”<sup>464</sup> The number of 30 busses is repeated again in the judgment.<sup>465</sup>

When Vujadin Popovic testified in the Karadzic trial he said, “I formed a convoy of 30 buses, one trailer-truck, and one longer bus.”<sup>466</sup> Popovic was the chief of security for the Drina Corps of the Bosnian-Serb Army and it was his job to establish the convoy.

Bosnian-Muslim survivors give similar estimates to those given by Popovic and the ICTY trial chamber. Witness Kemal Mehmedovic, testified that “there were at least 30 vehicles moving along that road” in the convoy headed to Zvornik.<sup>467</sup> Protected Prosecution witness PW-110, who survived execution at Orahovac testified that “there must have been at least 20 vehicles in the column, as it was very long, even 30.”<sup>468</sup>

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<sup>462</sup> Perisic trial, prosecution exhibit P02405

<sup>463</sup> Popovic trial, defense exhibit 7D00929

<sup>464</sup> Judge Vassilenko, Blagojevic & Jokic transcript, 17 January 2005, Pg. 12639 - 12640

<sup>465</sup> Blagojevic & Jokic Judgment, ICTY, 17 January 2005, para. 368

<sup>466</sup> Vujadin Popovic, Karadzic transcript, ICTY, 6 November 2013, Pg. 43069

<sup>467</sup> Blagojevic & Jokic transcript, ICTY, 15 July 2013, Pg. 1277-78

<sup>468</sup> Popovic Transcript, ICTY, 24 August 2006, pg. 676

In addition to the main convoy led by Popovic that transported prisoners from Bratunac to Zvornik on the afternoon of the 14th, there was a smaller convoy led by Lt. Jasikovac that took prisoners from Bratunac to the Orahovac School in Zvornik late on the night of the 13th. The number of busses in the smaller convoy ranges from about six to nine. Protected prosecution witness PW-169 (a Bosnian-Muslim who survived execution at Orahovac) testified in the Popovic trial that there were six buses in the smaller convoy.<sup>469</sup> When asked how many busses were in the convoy, Dragoje Ivanovic, a military policeman from the Zvornik Brigade testified that there were “perhaps seven or eight, maybe nine, but I’m uncertain.”<sup>470</sup>

The 30 standard busses, the trailer truck, and the long bus led by Popovic together with the six to nine buses led by Jasikovac puts us in the neighborhood of about 40 busloads of prisoners that were transported from Bratunac to Zvornik altogether.

Not only do we know that there were about 40 busloads of prisoners, but we know approximately how many prisoners each bus could hold. According to the findings of the Tolimir Trial Chamber “Each bus could accommodate 40 to 50 people.”<sup>471</sup> Witness Mane Djuric saw the convoy, and although he didn’t count the number of buses he testified that each bus looked like it could hold about 45 people.<sup>472</sup>

If we multiply 40 busses by 45 people per bus we get 1,800 as the approximate seating capacity of the busses that were used to transport the prisoners from Bratunac to Zvornik. Protected Prosecution Witness N, a Bosnian-Muslim who survived an execution, testified in the Krstic trial that the buses were very crowded. He said that on his way to Zvornik he could see that on the bus ahead of him “One could see through the windows that there was a whole line of people standing in the aisle, that there wasn’t enough room for everyone to sit down.”<sup>473</sup>

Given the scarcity of fuel during the war, it is very likely that the Bosnian-Serbs would have crammed as many prisoners as physically possible onto each bus in order to reduce the number of busses required to transport the prisoners and conserve fuel.

We know that approximately 40 busloads of prisoners were taken from Bratunac to various facilities in Zvornik. We know that the combined floor space of the buildings in Zvornik was 1,866.91 square meters, and we know that Pandurevic’s estimate is that there were 3,000 prisoners.

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<sup>469</sup> Testimony of PW-169, Popovic Transcript, ICTY, 1 November 2007, Pg. 17327

<sup>470</sup> Testimony of Dragoje Ivanovic, Popovic Transcript, ICTY, 30 August 2007, Pg. 14541

<sup>471</sup> Tolimir Judgment, ICTY, 12 December 2012, para. 410

<sup>472</sup> Karadzic Transcript, ICTY, 7 March 2013, pg. 35082

<sup>473</sup> Krstic transcript, ICTY, 12 April 2000, Pg. 2814

3,000 prisoners divided by 40 buses equals 75 prisoners per bus (which is 167% of the normal seating capacity of each bus), and 3,000 prisoners divided by 1866.91 square meters equals 1.61 prisoners per square meter. The conditions would have been extremely crowded, but it's possible and the math adds up. The ICTY prosecutor's estimate of 6,000 prisoners killed in Zvornik is extremely unlikely.

Another indicator that there were 3,000, and not 6,000, prisoners is the transcript of the BH Presidency session of the 11th of August 1995.<sup>474</sup> In that transcript Izetbegovic is talking about an intercept where "two Chetniks" are talking about the massacre of 3,000 people from Srebrenica.

Izetbegovic is quoted in the transcript as saying: "The number of killed people is most probably somewhere around 3,000. This is the figure that has been mentioned from the first day there. In fact, we intercepted a very clear Chetnik telephone conversation, obviously authentic, where they say: 'There was a massacre here yesterday. It was a real slaughterhouse'. So, how many, 300? 'No, add another zero', said one Chetnik to the other. He was talking about the massacre of 3,000 people - one Chetnik to another."

Izetbegovic emphasized that "This is according to the Chetnik information, which in this case could be the most reliable. This is their information, where they speak to one another about what happened. The man who took part in the massacre talked about it. He was telling someone else. This conversation is available if you are interested. It is one month old. This is it, more or less."

Zvornik is the only place where a massacre of 3,000 people was possible. There were never that many people assembled in any of the other places where prisoners were executed, and the number corresponds exactly to the number that Pandurevic and our estimates say there was.

## **CALCULATING THE NUMBER OF EXECUTED PRISONERS**

There were about 3,000 prisoners who were taken to Zvornik and killed. Another group of about 500 prisoners was killed at Kravica Warehouse, and if we take the ICTY prosecution at its word about 400 prisoners that were captured and killed in other circumstances. This puts the number of prisoners that the Bosnian-Serbs executed at about 3,900, which is slightly less than half of the 8,000 that have been alleged.

## **ACCOUNTING FOR THE REST OF THE MISSING AND DEAD**

If the Bosnian-Serbs executed approximately 3,900 prisoners, then what happened to the rest of the 7,661 people on the Prosecution's list of missing and

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<sup>474</sup> Naser Oric trial, defense exhibit D300

dead? The short answer – they died on the battlefield trying to fight their way across Serbian territory en route to Tuzla.

There is no dispute that the column of men that broke out of Srebrenica was a legitimate military target. The ICTY prosecutor's own military expert readily admitted that the column did "qualify as a legitimate military target."<sup>475</sup>

Even the prosecutors themselves acknowledged the military character of the column. Senior prosecutor Peter McCloskey told the court point blank, "It was a military column. You don't see any war crimes being charged on the attack of this column. And the head of this column was a military column and it did a hell of an attack on 16 July and many Serb soldiers were killed."<sup>476</sup> We know from numerous credible sources within the UN and among the survivors that the column suffered several thousand combat losses, which pretty well accounts for the number of missing and dead that were not executed.

Carl Bildt served as the European Union Co-Chairman of the International Conference on the Former Yugoslavia. He was the Prime Minister of Sweden 1991-1994, Co-Chairman of the Dayton Peace Conference and subsequently the first High Representative in Bosnia-Herzegovina. He wrote in his book *Peace Journey* that "when we eventually, in early August, began to understand what had really happened the picture became even more gruesome. In five days of massacres, Mladic had arranged for the methodical execution of more than three thousand men who had stayed behind and become prisoners of war. And probably more than four thousand people had lost their lives in a week of brutal ambushes and fighting in the forests, by the roadside and in the valleys between Srebrenica and the Tuzla district, as the column was trying to reach safety."<sup>477</sup>

The UN Secretary General's report on the fall of Srebrenica states that "men began arriving in the Tuzla area, searching for their families. The Bosnian Government disarmed the survivors and transported them to collective shelters in the wider area of Tuzla. Members of UNPROFOR were able to interview a number of them and report their accounts to the mission's leadership. The men interviewed estimated that up to 3,000 of the 12,000 to 15,000 in the column had either been killed during combat with the BSA or when crossing over mines, while an undetermined number among them had also surrendered to the BSA."<sup>478</sup>

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<sup>475</sup> OTP military expert Richard Butler, ICTY Popovic trial transcript, 23 January 2008, pg. 20244-20245

<sup>476</sup> Lead prosecutor Peter McCloskey, ICTY Popovic trial transcript, 1 November 2006, pg. 3382

<sup>477</sup> Carl Bildt, *Peace Journey: The struggle for peace in Bosnia*, Weidenfeld and Nicolson, London, 1998, p. 66

<sup>478</sup> Report of the Secretary-General pursuant to General Assembly resolution 53/35 The fall of Srebrenica, A/54/549, 15 November 1999, para 387



A contemporaneous report from the UN Protection Force Civil Affairs office dated 17 July 1995 corroborates the findings of the Secretary General's report and states that those who had arrived at the Tuzla Air Base from Srebrenica had said that up to 3,000 of those who left Srebrenica were killed on the way mostly by mines and engagement with the Bosnian-Serb army.<sup>479</sup>

In addition to official UN reports, a contemporaneous videotape of interviews with the men from the column as they arrived in Tuzla has surfaced at the ICTY. When asked "How many of you got killed?" one of the survivors says, "There are, perhaps, two thousand missing, two, three, even more perhaps. I don't know how many exactly" and another survivor says, "around two or three thousand at least."<sup>480</sup>

A third possibility is that the Prosecutor's list is not entirely accurate. Some of the 7,661 people on the Prosecution's list of Srebrenica-related missing and dead may not belong on the list at all. When ICTY demographer Ewa Tabeau compared the Prosecution's list of missing and dead to ABiH military records she found that for 220 people the military records indicated that the individual in question had died long before or significantly after the fall of Srebrenica.<sup>481</sup>

Out of the total 7,661 people in question, it would appear that approximately 3,900 were executed. The remainder (approximately 3,761 persons) would have been killed in combat, which is roughly consistent with the numbers reported by the UN, by the surviving men from the column, and by international officials like Carl Bildt.

## CONFLATING COMBAT CASUALTIES WITH MASSACRE VICTIMS

At his war crimes trial, former Bosnian-Serb president Radovan Karadzic asked Jean-Rene Ruez, the officer in charge of the ICTY prosecution's Srebrenica investigation what should have been a simple question: "Where were the combat casualties buried in July 1995?"

Mr. Ruez answered, "This I don't know. I repeat, we were not looking for combat casualties but to identify the detention sites, the nearby execution sites, and the successive burial places of these prisoners."<sup>482</sup>

What Ruez meant by "successive burial places" was the practice of exhuming and reburying Srebrenica massacre victims to conceal evidence of unlawful killings. In ICTY jargon "primary graves" are the graves in which the victims were placed immediately after or at the time of their execution. A "secondary

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<sup>479</sup> ICTY Tolimir Exhibit P00588

<sup>480</sup> ICTY Tolimir Exhibit D00280, time code 00:12:09-00:12:30, 00:17:00-00:17:57

<sup>481</sup> ICTY, Z. Tolimir trial, Prosecution exhibit no. P02082 (See Annex 2)

<sup>482</sup> Chief OTP Srebrenica Investigator Jean-Rene Ruez, ICTY Karadzic trial transcript, 1 February 2012, pg. 24001

grave” is one in which the bodies are placed after they’ve been removed from the primary grave and placed into secondary graves.<sup>483</sup>

Dr. William Haglund was the senior forensic advisor to the ICTY prosecutor and a forensic anthropologist who personally oversaw the ICTY’s exhumation of many Srebrenica-related graves. He was asked by Judge O-Gon Kwon of South Korea if it was possible that combat casualties could have been buried in secondary graves along with massacre victims exhumed from primary graves and although he tried to downplay the possibility Dr. Haglund grudgingly admitted, “That’s possible, yeah.”<sup>484</sup>

Judge Kwon also asked Dusan Janc, a Slovenian police inspector who investigated Srebrenica for the ICTY prosecutor, “if somebody might have brought some other corpses to [a] secondary grave, do you exclude that possibility?” And Janc also conceded “that possibility can’t be excluded for sure.”<sup>485</sup>

Even the ICTY itself has admitted that it cannot exclude the possibility of combatants being buried in mass graves together with combatants killed in action. Although the Krstic trial chamber claimed that “the majority of the victims were executed,”<sup>486</sup> even they conceded that one “cannot rule out the possibility that a percentage of the bodies in the gravesites examined may have been of men killed in combat.”<sup>487</sup>

In 2009 Janc prepared a report detailing the connections between the primary and the secondary graves. According to the data published in his report, out of the 5,358 persons identified by DNA analysis as of 2009; more than two-thirds - - 3,582, were buried in secondary graves and the rest were either buried in primary graves or found on the surface. The remains of 517 people were found in more than one grave. There were 207 DNA connections between a primary grave and one or more secondary graves. There were 13 DNA connections between one primary grave and another primary grave, and 297 DNA connections between one secondary grave and another secondary grave.<sup>488</sup>

There is no doubt that DNA and other forensic connections (soil, pollen, artifacts, etc...) exist between certain “primary” and “secondary” graves. The question is the degree to which the graves are connected to one another. Just because some of the bodies in a secondary grave are connected to a primary grave, it doesn’t mean that all of the bodies in that secondary grave came from the primary grave. According to the data published in Annex C of Janc’s report,

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<sup>483</sup> Dean Manning, ICTY Krstic trial transcript, 26 May 2000, pg. 3551-3552

<sup>484</sup> Dr. William Haglund, ICTY Karadzic trial transcript, 31 January 2012, pg. 23953

<sup>485</sup> Dusan Janc, ICTY Popovic trial transcript, 01 May 2009, pg. 33543-33545

<sup>486</sup> Krstic Judgment, ICTY, 2 August 2001, para. 80

<sup>487</sup> Ibid., para. 77

<sup>488</sup> ICTY Popovic exhibit P04490

less than 6% of the bodies found in the secondary graves had a DNA connection to a primary grave.<sup>489</sup>

The ICTY asserts that over 1,000 prisoners were executed at Kravica warehouse, and they base this finding on the number of victims found in mass-graves that have been linked to Kravica warehouse.<sup>490</sup>

In fact, Janc prepared an expert report in 2009 in which he concluded that the remains of 1,319 individuals had been found in primary and secondary graves associated with the Kravica Warehouse killings.<sup>491</sup>

The fact that Kravica warehouse is a finite space that could have only housed a limited number of prisoners was never taken into account, and eventually Janc was forced to revise his findings when other evidence emerged proving that a significant number of the bodies in the graves that he had linked to the Kravica warehouse massacre had in fact come from other locations.<sup>492</sup> Whole truck-loads of bodies were brought in from other places at different times to be buried in these graves and the forensic investigators who exhumed the graves and carried out the investigation never had a clue.

The mistake that Janc made with regard to Kravica warehouse is repeated over and over again in the Tribunal's interpretation of the forensic evidence. If they find a link between a primary grave and a secondary grave they assume that all of the bodies in the secondary grave must have come from the primary grave. If they find a link between a grave and an execution site they assume that all of the bodies in the grave must have been killed at that execution site, even though they have no way of knowing whether some of the bodies in the grave might have been brought in from other places.

The possibility of combat casualties being placed in the secondary graves along with massacre victims seems quite probable in light of the fact that the secondary graves are, without exception, located in the immediate vicinity (5 kilometers or less) of places where combat associated the fall of Srebrenica and combat associated with the column is known to have taken place.

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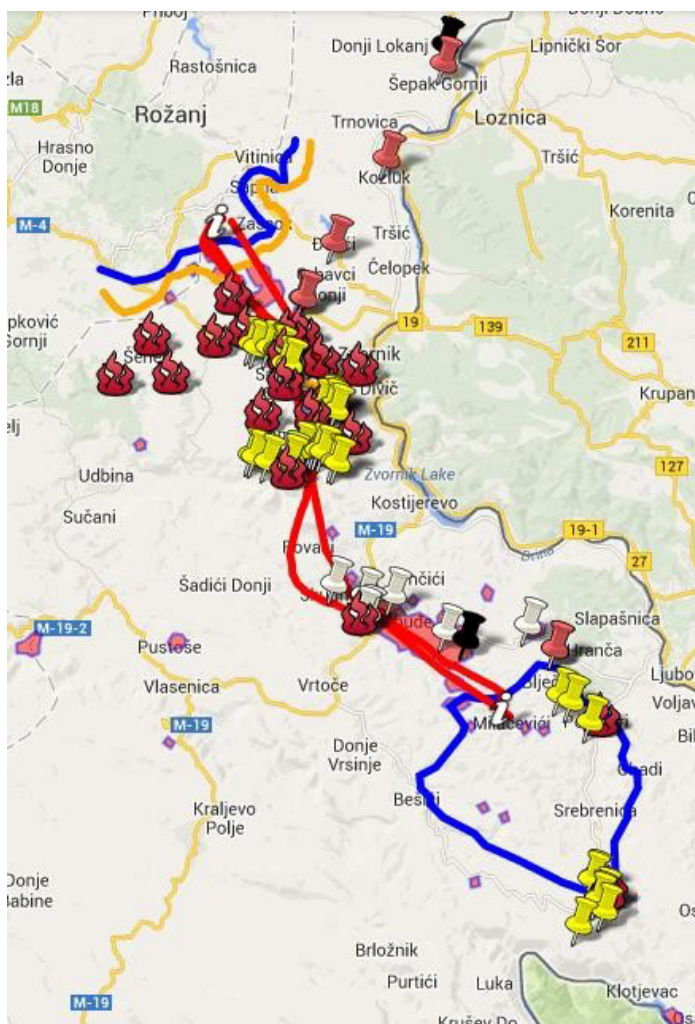
<sup>489</sup> Ibid., Annex C (207 ÷ 3,582 = 5.78%)

<sup>490</sup> Popovic Judgment, ICTY, 10 June 2010, para 443

<sup>491</sup> Popovic trial exhibit P04490

<sup>492</sup> Popovic trial exhibit P04492

The following map is an amalgamation of several maps tendered into evidence by prosecutors at the ICTY.<sup>493</sup>



<sup>493</sup> Krstic exhibit P00159 (Map of enclave boundary, and Route taken by column according to prosecution witness R), Popovic exhibit P02996 (Map showing location of primary and secondary graves), Krstic exhibit P00002 (Map produced by Bosnian Serb Army showing route taken by column, Confrontation lines, Where the VRS entered the enclave, and where the Bosnian Serb Army had its positions), Krstic exhibit P00549 (Map produced by Richard Butler showing enclave boundary and locations where combat took place on 14 July 1995), Krstic exhibit P00613 (Map produced by Richard Butler showing enclave boundary and locations where combat took place on 15 through 16 July 1995), Map produced by the Bosnian Government in cooperation with the ICMP showing locations where surface remains were found.

The yellow markers denote secondary graves and flames denote places where combat took place. Red markers denote primary disturbed graves where remains were taken from, and white markers denote primary undisturbed graves where no remains were taken. Red lines show the path taken by the column. The blue lines show the enclave boundary and the Bosnian Army's forward lines around Tuzla. The orange lines are the positions held by the Bosnian-Serb army. The red shaded areas are where surface remains have been found.

As can be seen from the map, the secondary graves are located very close to the enclave boundary where fighting took place between July 6th when the Bosnian-Serb Army first attacked the enclave until July 11th when Srebrenica fell, or in areas where the column was known to have fought with the Bosnian-Serb Army on its trek towards Tuzla.

Put simply, the "secondary" graves are located in precisely the area where one would expect to find combat casualties associated with Srebrenica.

Persons wishing to hide evidence of the massacre apparently attempted to exploit battlefield clean-up operations in the weeks and months following the fighting by placing the remains of massacre victims in graves intended for the burial of combat casualties.

I say "attempted to exploit" because the people who attempted to re-bury the massacre victims did a sloppy job of it. Dusan Janc told the Tolimir trial chamber that of "the excavation of the primary graves, not a single one of these primary graves was a complete one. There were a lot of bodies left there, and a lot of bodies were taken apart, so a lot of body parts were found in these primary graves and also in the secondary graves. So that's how it was done. None of these primary graves was re-exhumed in its entirety."<sup>494</sup>

The ICTY has collected thousands of documents and heard testimony from hundreds of witnesses about events surrounding the fall of Srebrenica. Unfortunately, very little information and testimony concerning the individuals who actually constructed these graves has been adduced and so we're left to speculate about how the remains came to be in those graves. Are they combat casualties collected from the battlefield, or are they massacre victims robbed from primary graves in an effort to conceal evidence of killings?

We know that there were thousands of combat casualties because the surviving men from the column said so when they arrived in Tuzla. If the combat casualties weren't buried in graves located in the immediate vicinity of where the fighting took place, then where did their bodies go? There weren't thousands of remains left on the surface. The "secondary" graves are the only logical explanation for where their remains could have gone.

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<sup>494</sup> Dusan Janc, ICTY Tolimir transcript, 14 May 2010, pg. 1784

## **CONFLATING COMBAT CASUALTIES WITH MASSACRE VICTIMS: THE MASS GRAVE AT BRANJEVO MILITARY FARM**

Evidence related to the primary mass grave at Branjevo Military Farm and associated graves along Cancari Road confirms our thesis that massacre victims and combat casualties must have been comingled in the secondary gravesites. The evidence undermines the Karadzic trial chamber's findings that "there is no evidence to prove the existence of mixed Srebrenica-related gravesites" and that "all the bodies found in Srebrenica-related primary and secondary gravesites can be linked to the corresponding scheduled killing incidents."<sup>495</sup>

The Karadzic Trial Chamber found that "DNA analysis has led to the identification of 1,735 individuals found at the Branjevo Military Farm gravesite and its associated Cancari Road secondary gravesites as persons missing following the take-over of Srebrenica."<sup>496</sup>

The Trial Chamber explains that "Towards the end of September 1995, as part of the reburial operation to conceal the Srebrenica killings the bodies initially buried at the Branjevo Military Farm were reburied in some of the Cancari Road secondary gravesites."<sup>497</sup>

They explain that "The victims who had been previously detained at the Kula School and subsequently killed at the Branjevo Military Farm, as well as the victims who were killed at the Pilica Cultural Centre, were all buried at the Branjevo Military Farm primary gravesite and were subsequently reburied at the Cancari Road secondary gravesites."<sup>498</sup>

Specifically, the Chamber notes that "Of the 13 known secondary mass graves along the Cancari Road, only Cancari Road 4 to 6 and 8 to 12 have been linked to the Branjevo Military Farm primary gravesite."<sup>499</sup>

The Karadzic Trial Chamber arrived at the number 1,735 by adding the 138 bodies identified by the ICMP in the primary mass grave at Branjevo Military Farm<sup>500</sup> to the 1,597 bodies identified by the ICMP in the associated secondary grave sites along Cancari Road<sup>501</sup> ( $138 + 1,597 = 1,735$ ).

To corroborate its finding, the Karadzic Chamber notes that "This number is consistent with other evidence before the Chamber: Ahmo Hasic estimated that there were 1,000 to 1,500 people who had been killed at the Branjevo Military Farm, and Erdemovic estimated that between 1,000 and 1,200 Bosnian

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<sup>495</sup> Karadzic Judgment, ICTY, 24 March 2016, Para 5539, 5599

<sup>496</sup> Karadzic Judgment, ICTY, 24 March 2016, Para 5463

<sup>497</sup> Ibid., Para 5451

<sup>498</sup> Ibid., Para 5452

<sup>499</sup> Ibid., Para 5458

<sup>500</sup> Ibid., Para 5457

<sup>501</sup> Ibid., Para 5461

Muslim detainees were killed there. In relation to the killings at the Pilica Cultural Centre, [Jevto] Bogdanovic estimated that there were approximately 500 there.”<sup>502</sup>

The Trial Chamber therefore concludes that “on 15 and 16 July 1995, at least 1,735 Bosnian Muslim men were killed at the Kula School, the Branjevo Military Farm, and the Pilica Cultural Centre by members of the Bosnian Serb Forces, including members of the 10th Sabotage Detachment and VRS soldiers from Bratunac. Some of these Bosnian Muslim men were killed at the Kula School, about 1,200 were killed at the Branjevo Military Farm, and about 500 were killed at the Pilica Cultural Centre.”<sup>503</sup>

### **UNRELIABLE TESTIMONY OF HASIC, ERDEMOVIC, AND BOGDANOVIC RELIED ON BY KARADZIC CHAMBER**

The Karadzic Trial Chamber’s findings rely on eyewitness testimony that is unreliable, and they ignore hard physical evidence that is indisputable.

The Karadzic Trial chamber relies on Jevto Bogdanovic’s estimate of the number of people killed at the Pilica Cultural Center despite the fact that his evidence is hearsay that he overheard when he was drinking. Footnote 18643 of the Karadzic judgment points to page 11333 of the Popovic trial transcript where Bogdanovic is testifying, and here is the testimony one finds when looking-up that transcript:

Q. When you were drinking that day, could you say what it was you were drinking?

A. Rakija brandy.

Q. Where did you get that?

A. Neighbours, the locals, brought that to us. We drank for courage, to be able to sustain looking at the blood and the bodies, and the brains of the people.

Q. During the course of that day, did you hear anybody mention a number of how many bodies were in the dom?

A. I heard somebody on the road saying that there were 550, but we ourselves did not count.

There is also reason to doubt the accuracy of estimates put forward by Drazen Erdemovic and Ahmo Hasic with regard to the number of people executed at Branjevo Military Farm.

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<sup>502</sup> Ibid., Para 5463

<sup>503</sup> Ibid., Para 5464

Drazen Erdemovic was a member of the 10th Sabotage Detachment that carried out the killings at Branjevo Military Farm. Erdemovic has estimated that 1,200 people were killed there, but his testimony makes it clear that he does not stand by the accuracy of that estimate.

In the Popovic trial, Erdemovic estimated that “between 1,000 and 1,200” prisoners were executed at Branjevo Military Farm. He explained that he arrived at his estimate “based on the buses that were arriving,” but when asked how many busses had arrived he said, “I don’t know exactly, but in my previous testimony and also in my case as well, from 15 to 20, but no one can know how many exactly and what.”<sup>504</sup>

When Erdemovic testified in the Karadzic trial he admitted that he may have exaggerated the number of people killed. He said, “I never said that this was an exact figure. I always said it was an estimate. Maybe I said -- well, maybe I increased the number, but that was my thinking at that point in time because this went on for a long time for me. For me, it was an eternity, everything that happened on that day.”<sup>505</sup>

In the Mladic trial, Erdemovic was confronted with evidence showing that another member of his unit, Franc Kos, had estimated the number of people killed at Branjevo Military farm to be between 650 and 700 people. Erdemovic’s response was, “Perhaps that is correct. Perhaps my estimate is correct. I cannot tell you how many people it was. I always emphasised that I did not know and that I did not want to know how many people there were.”<sup>506</sup>

Erdemovic admitted that he had no idea how many people were killed. He said, “I cannot tell you how long that took. As I told you before, I wasn’t looking at my watch and timing how long things lasted, how many buses came, how many people were on them. It was sheer horror to any human being, and in that situation to think about how many minutes, how many hours it took to count the people, the buses, I’m really sorry, I didn’t do that.”<sup>507</sup>

Ahmo Hasic is a Bosnian-Muslim who survived the killings at Branjevo Military Farm and managed to escape. He survived the executions by pretending to be dead, then when the coast was clear he went and hid in the bushes until nightfall before making his escape.

As confirmed by the Trial Chamber, he did estimate that between 1,000 and 1,500 people were killed at Branjevo Military Farm. Although it seems like it would be difficult for a person in his position to make an accurate count while he is under a great deal of stress and trying to stay hidden, he did make that estimate.

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<sup>504</sup> Drazen Erdemovic’s testimony in the Popovic trial, Transcript pg. 10983

<sup>505</sup> Drazen Erdemovic’s testimony in the Karadzic trial, Transcript pg. 25385

<sup>506</sup> Drazen Erdemovic’s testimony in the Mladic trial, Transcript pg. 13774

<sup>507</sup> Ibid., Transcript pg. 13776



He also testified that the prisoners were brought to the Kula School in Pilica by a convoy of seven busses containing 50 prisoners each.<sup>508</sup>

The prisoners who were killed at Branjevo Military Farm were brought there from Kula School. If there were seven busloads of 50 prisoners each that is 350 prisoners who were at Kula School, and that means there could not have been 1,000 to 1,500 people brought from that school to Branjevo Military Farm in order to kill them there.

### **RELIABLE EVIDENCE IGNORED BY KARADZIC TRIAL CHAMBER**

There are certain uncontested facts. The first fact is that the prisoners killed at Branjevo Military Farm and the Pilica “Dom” Cultural Center were all initially buried together in a common mass grave at Branjevo Military Farm. This was confirmed by the judgment itself and by the Prosecution’s expert witness Richard Butler who has testified that “In the case of Pilica Dom, or the dome of culture in that respect, all of those bodies would have to have been brought from the Dom to the Branjevo Military Farm where they were buried with the other bodies.”<sup>509</sup>

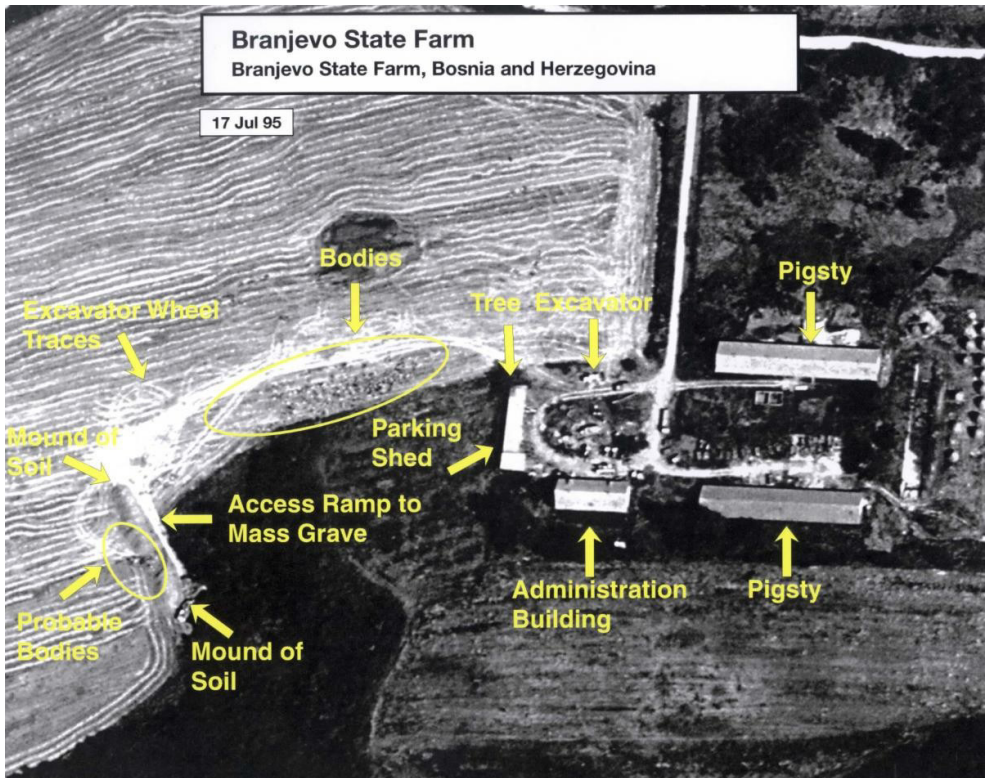
We also know that the gymnasium at the Kula school where the prisoners were held before being brought to Branjevo Military Farm and executed measures 180 square meters, and we know that the Pilica Cultural Center where the other prisoners were held captive and eventually executed measures 223 square meters.<sup>510</sup> The blueprints of these buildings have been tendered into evidence at the ICTY, and these structures still stand and can be measured to this very day.

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<sup>508</sup> Ahmo Hasic’s testimony in the Popovic trial, Transcript pg. 1190 and 1198

<sup>509</sup> Richard Butler’s testimony in the Blagojevic and Jokic trial, Transcript pg. 5209

<sup>510</sup> Popovic trial exhibit 7D00929



There is also an aerial photograph of the Branjevo Military Farm that shows the dead bodies sprawled out on the ground after they had been executed. By using the known dimensions of the farm buildings for scale, or by using software like Google Earth, one can reliably estimate the size of the killing field to be approximately 640 square meters.

We also know that the mass grave at Branjevo Military Farm where all of these bodies were initially buried measures somewhere between 350 and 700 cubic meters.

The question that should now be asked is whether the 1,735 Bosnian-Muslim men that the Karadzic chamber says were executed in and around Pilica (at Branjevo Military Farm, Kula School, and the Pilica Cultural Center) can fit into the space available?

William Haglund is the Prosecution's forensic expert, and in his expert report he describes the mass grave at Branjevo Military farm as "a trench that extend-

ed 28 m east to west and 10 m north to south. The grave itself was approximately 2.5 m deep."<sup>511</sup> This would make for a 700 cubic meter grave.

However, Haglund's evidence is not entirely consistent. Outside of that one instance, he always describes a significantly smaller grave. Elsewhere in his report he describes the grave as "a large rectangular, swath of depressed soil measuring approximately 5 m wide by 20 m long" and "a large rectangular, light-colored swath of soil measuring approximately 5 m wide by 20 m long"<sup>512</sup>

In the Popovic trial, Haglund testified that the grave "was a two and a half to three-metre-deep grave that extended by six by 28 metres"<sup>513</sup>

In the Krstic trial, Haglund testified that "The grave measured 28 by approximately 5 metres, and it ranged from 2 1/2 to 3 metres in depth." He said, "Although the grave space itself was 28 metres long, only 14 per cent of it was occupied, the floor space, was occupied by a pile of human remains" He explained that "the grave itself had 53 complete individuals in this group of bodies, 23 nearly complete individuals, and about 170 body parts."

As noted above, the ICMP identified the remains of 138 people in this mass grave using DNA analysis. If 138 bodies occupy 14% of the grave, then it would take approximately 986 bodies to fill the grave to 100% capacity, but probably less because only 76 of the 138 bodies that used for that calculation were complete or nearly complete bodies.

This is corroborated by Haglund's expert report, which estimates the capacity of the grave. It says: "The disturbed area was of sufficient size to accommodate up to several hundred persons."<sup>514</sup>

1,735 bodies is significantly more than the "up to several hundred persons" who could have been buried in the original primary grave. This is the smoking gun.

The ICMP identified the remains of 138 people in the primary grave at Branjevo Military Farm and 1,597 people in the associated "secondary" graves along Cancari Road, but the primary grave was only large enough to "accommodate up to several hundred persons" according to the prosecution's own expert. That means at least some of the bodies in the secondary graves must have come from places other than the primary grave at Branjevo Military Farm, which means they weren't part of the killings in and around Pilica and cannot be linked to any of the scheduled killing incidents charged in the ICTY indictments.

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<sup>511</sup> Karadzic Trial Exhibit P4321 pg. 17

<sup>512</sup> Ibid., pg. 13, 17

<sup>513</sup> Testimony of William Haglund in the Popovic trial, Transcript pg. 8908

<sup>514</sup> Karadzic Trial Exhibit P4321 pg. 13

We know from combat maps compiled by the prosecution's military expert Richard Butler that fighting between Bosnian-Serb forces and the column of Bosnian Muslim soldiers who broke out of Srebrenica took place on 15 and 16 July 1995 in the area of Kamenica and Glodjansko Brdo.<sup>515</sup> The area of Kamenica and Glodjansko Brdo is precisely where these secondary Cancari Road gravesites were found.

We also know from maps drawn by the Bosnian Serb Army, and by surviving members of the column that the column crossed the road and passed through the exact area where these Cancari Road graves are located.<sup>516</sup>

In addition, there are contemporaneous reports of hundreds of Bosnian-Muslim combatants being killed in the exact area of Kamenica and Glodjansko Brdo where these graves are located. A combat report of the Zvornik Brigade dated July 15, 1995 says, "In the wider area of Pandurice, Planonci, Crni Vrh, Kamenica and Glodjansko Brdo, there are about 3,000 armed and unarmed enemy soldiers. Brigade forces are sealing off and searching the aforementioned region. A few hundred enemy soldiers have so far been liquidated."<sup>517</sup>

In the first place, there are more bodies buried in the "secondary" gravesites along Cancari Road than the "up to several hundred" that could have been buried in the original primary mass grave at Branjevo Military Farm. Furthermore, there were combat operations with scores of people reportedly killed in the precise area where the "secondary" gravesites along Cancari Road were found. These two facts lead to the unavoidable conclusion that, contrary to the Karadzic chamber's findings, the secondary graves were most likely a mixture of executed POWs who had been reburied and men from the column who had been killed in combat in the area where the graves were located.

## **ICTY's RELIANCE ON BOGUS INTERCEPT EVIDENCE**

The ICTY relies on dubious evidence to draw dubious conclusions about the Srebrenica massacre. As the Krstic trial chamber explained in its judgment, "Prominently featured in the evidence presented by the Prosecution in this case, were transcriptions of conversations between VRS personnel in July and August 1995 that were intercepted by intelligence officers from the ABiH. These documents were handed over to the OTP by the Bosnian government."<sup>518</sup>

The Tribunal assures us that it "considered all challenges made by the Defence, including the theory that the intercepts had been fabricated, evidence

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<sup>515</sup> Krstic trial Exhibit P613

<sup>516</sup> Krstic trial exhibit P2996 (map showing location of gravesites), Krstic trial exhibit P2 (VRS combat map showing route taken by column), and Krstic trial exhibit P159 (map showing route taken by column drawn by Bosnian-Muslim man who was part of the column).

<sup>517</sup> Tolimir trial exhibit P00013.E

<sup>518</sup> Krstic Judgment, ICTY, 2 August 2001, para. 105

relating to the chain of custody, and the general lack of audio recordings” and in spite of that “the Trial Chamber remains satisfied, particularly in light of the evidence given by the intercept operators, that the intercepts are a contemporaneous record of intercepted VRS communications. It is satisfied that there is no deficiency in the chain of custody of the intercept materials and finds there is no evidence in support of the Defence allegation that the intercepts were either fabricated or tampered with.”<sup>519</sup>

As alluded to above, the intercepts related to Srebrenica consist of written transcripts, not audio recordings. The possibility of fabricating or tampering with the material is endless, and there are strong indications that the material is not reliable.

For example, no intercept resembling the one that Izetbegovic was quoting from in the Presidency session, where he talks about the “two Chetniks” discussing the massacre of 3,000 people was ever handed over to the ICTY. President Izetbegovic plainly thought that the conversation was important, and he even told those in attendance at the Presidency that “This conversation is available if you are interested.”<sup>520</sup> Obviously, the Bosnian Government made a selection of which intercepts it wanted to hand over to the Tribunal and they chose to withhold this one.

One of the intercepts that the Bosnian Government did hand over to the ICTY was allegedly recorded at 2:00PM on July 13th and that intercept talks about “over a thousand” prisoners on the Nova Kasaba football field.<sup>521</sup>

It just so happens that the time at which the intercept was allegedly taken, corresponds exactly to the time at which the United States government photographed the Nova Kasaba football field from the air – 14:00 hours on July 13, 1995. We know from the photograph and the estimates provided by the CIA that there were only about 600 prisoners on the football field at that time.<sup>522</sup>

We know that there weren’t “over a thousand” prisoners on the field as indicated by the intercept. Either the Bosnian-Serbs were reporting bogus information up their chain of command, or the Bosnian Government tampered with the intercept by inflating the numbers before they handed it over to the Tribunal.

Stefanie Frease was the ICTY investigator that the Tribunal put in charge of the intercept material related to Srebrenica, and here’s what she told the Tolimir trial chamber: “At the time in July of 1995, Jean-Rene Ruez asked the SDB [State Security Service] whether there were intercepted communications.

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<sup>519</sup> Popovic Judgment, ICTY, 10 June 2010, para. 64-65

<sup>520</sup> Naser Oric Defense Exhibit D300

<sup>521</sup> Popovic Prosecution Exhibit P02361a

<sup>522</sup> DCI Interagency Balkan Taskforce, Mass Graves in the Former Yugoslavia, 6 October 1995

<[http://www.foia.cia.gov/sites/default/files/document\\_conversions/1817859/1995-10-06C.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/1817859/1995-10-06C.pdf)>

There were rumours that there were. As we've discussed, we weren't given access to that material until March of 1998. So in the interim period, Jean-Rene Ruez made several requests, mostly verbal, to the SDB with whom he had established a relationship, and certainly I also knew people there in the context of mostly witnesses and ongoing investigative activities, but it wasn't until the spring of 1998 that we began to receive material, intercepted communication."<sup>523</sup>

Let's think about this for just a minute. Mr. Ruez asked for the intercepts in July 1995, but the Tribunal did not receive anything until the spring of 1998 – and even then they only received written transcripts, not audio recordings. In the nearly three years between July of 1995 and the spring of 1998 the Bosnian Government had ample time to fabricate or otherwise tamper with the intercept transcripts. As belligerents engaged in an armed conflict against the Bosnian-Serbs, the Bosnian Government had an obvious motive to fabricate evidence against their enemy.

The fact that successive ICTY trial chambers have been unable to see how this evidence could be anything less than absolutely trustworthy makes one wonder if mental retardation isn't a job requirement for ICTY judges.

## **THE MOTIVE FOR THE KILLINGS**

When the Serbs initially captured the prisoners they took them to Bratunac, but they could not keep them there because it was close to the front line and they had no way to guard the prisoners.

Dragan Obrenovic testified about a briefing he received from Col. Vasic. He said that "As he had put it, this was a situation that Bratunac had been brought into without much thought. Before that, on the night of the 13th, a large number of prisoners had been brought in. There weren't enough people to guard them. And some of these groups remained on the buses. I remember that he said -- that he told a story that during the night these prisoners got restless and started shaking the buses, rocking the buses. So they had a lot of trouble pacifying them."<sup>524</sup>

Srbislav Davidovic testified that in Bratunac, "there were very few police guarding the buses, and we had also received a notification that out there at the playground the Muslim men were calling out to each other and communicating. That caused additional concern, that they might get out of the buses. And there were very few guards at the playground too. So we sent some retired people from among the residents who had their own weapons to go to the playground and create an impression that there were enough guards. And the

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<sup>523</sup> Stefanie Frease, Tolimir Trial Transcript, ICTY, 10 September 2010, pg.5172

<sup>524</sup> Dragan Obrenovic, Blagojevic & Jokic Transcript, 2 October 2003, Pg. 2524

bus drivers, in order to stop this communication and the shouting, turned on the engines of the buses so that the noise would prevent people from calling out to each other and shouting.”<sup>525</sup>

Because of the poor security situation in Bratunac, the decision was made to send the prisoners to Zvornik, but that was a fateful decision because Zvornik itself soon came under threat from the column of Muslim men trekking towards Tuzla.

Testifying in the Mladic trial, the prosecution military expert Richard Butler told the chamber that “the VRS did not have a clear picture as to the size of the column or the military threat to Zvornik when this decision was made to essentially start moving these prisoners to schools in the Zvornik municipality. In fact, they thought it was a good idea at the time because these schools were located far from the front lines, in remote areas, and would be an ideal place to do that. Obviously, in retrospect, with the column emerging as the threat that it was, it turned out to be a very poor idea with respect to what happened in Zvornik during the subsequent days.”<sup>526</sup>

According to Butler’s report “The zone of the Zvornik Brigade was, to a significant degree, the scene of most of the organized mass execution activity related to the fall of the Srebrenica enclave. During this same period, the Zvornik Brigade was involved in heavy combat against the Muslim column from the former Srebrenica enclave. This column, taking the most direct geographical route to Tuzla, came into contact with the ambushes set by the Zvornik Brigade during the early evening of 14 July 1995, and by 15 July 1995, the column and the forces of the Zvornik Brigade were involved in a relatively pitched battle.”<sup>527</sup>

His report notes that “From a security aspect, even if the full complement of Brigade Military Police Company (89 personnel assigned) had been available for exclusively guarding prisoners, it is difficult to envision how it could have ensured the 24 hours a day security of thousands of prisoners in five different locations (Orahovac, Petkovci, Pilica School, Pilica Dom and the school at Rocevic) without significant reinforcement. In reality, the majority of the Military Police company (2 platoons), as well as the few remaining reserve units (intervention platoons) had been deployed along the anticipated route of the column by Major Obrenovic on 12-13 July 1995.”<sup>528</sup>

Testifying in the Popovic trial, defense expert Petar Vuga agreed. He said, “The breakthrough of the column from Srebrenica into the area of the Zvornik Brigade was a new security-related event which created a new security situation”

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<sup>525</sup> Srblislav Davidovic, Blagojevic & Jokic transcript, 16 April 2004, Pg. 7709

<sup>526</sup> R. Butler, ICTY Mladic Transcript, 6 September 2013, pg. 16432

<sup>527</sup> Expert report R. Butler para. 7.0

<sup>528</sup> Expert report R. Butler para 10.62

he explained that “Based on the size and type of threat that could be ascertained, one can talk about the presence of a total threat. In the document on mobilization and the request for commanders Pandurevic and Jolovic’s return there was a warning concerning a possible disaster.”<sup>529</sup>

What Mr. Vuga is referring to is Pandurevic’s combat report where he says “It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, in addition to 7,000 or so who have fled into the forests. This has created an extremely complex situation and the possibility of total occupation of Zvornik in conjunction with the forces at the front. These actions have stirred up great discontent among the people and the general opinion is that Zvornik is to pay the price for taking of Srebrenica.”<sup>530</sup>

Protected prosecution witness KDZ-320 testified in the Karadzic trial that “In Zvornik, we knew what the threat was. We knew how endangered we were, because all the mobilised soldiers were outside of Zvornik municipality territory. And there was a group of over several thousand Muslims moving from Srebrenica through Zvornik municipality, and we did not know whether they were headed for Zvornik or, as it turned out, to Federation territory, which is where they later went, passing through the municipality. [We] asked that our brigade, which at that point in time was in Zepa municipality, be sent back, or at least parts of the brigade, so that they could protect our town.”<sup>531</sup>

According to KDZ-320, Col. Beara ordered the prisoners to be executed because “He said that he could not control them, that he had to get rid of them.”<sup>532</sup>

Drazen Erdemovic told a similar story when he testified in the Popovic trial. He said that the Lt. Colonel who ordered him to execute the prisoners, “started saying that in Pilica there is a cultural hall, Dom Kulture, and that there were 500 people there from Srebrenica who were trying to break down the door and who were trying to escape from there, and he said that we needed to go there and execute those people.”<sup>533</sup>

Let’s take stock of the situation that existed in the Zvornik municipality. The Serbs have 3,000 military-aged male prisoners in Zvornik. There’s a column of thousands of Muslim soldiers and military aged men headed right for Zvornik and the Serbs don’t know if they intend to attack Zvornik or not. Add into the mix that Zvornik is practically undefended because the Zvornik brigade is deployed in Zepa, and the brutal logic of killing the prisoners starts to make sense. The Serbs were obviously wondering what would happen in Zvornik if

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<sup>529</sup> Petar Vuga, Popovic Transcript, 4 July 2008, Pg. 23303-23304

<sup>530</sup> Perisic, Prosecution exhibit P02405

<sup>531</sup> KDZ-320, Karadzic Transcript, 25 April 2012, Pg. 28087

<sup>532</sup> Ibid.

<sup>533</sup> Drazen Erdemovic, Popovic transcript, ICTY, 4 May 2007, Pg. 10982



the column attacked and managed to free the prisoners. Then they've got thousands of angry Muslim men rampaging around the municipality looting Serb houses, raping Serb women, etc... It was a realistic fear because the Serbs, until that point, had endured more than two years of Muslim attacks emanating from the so-called "safe area" of Srebrenica.

The massacre was not motivated by genocidal intent to destroy the Bosnian-Muslim ethnic group as such – it was motivated by fear. Fear of what would happen if 3,000 hostile military aged men escaped into the Zvornik municipality while the Zvornik brigade was deployed elsewhere. Killing the prisoners eliminated them as a potential threat, and it freed up the personnel guarding them to defend the municipality if it came under attack.

The other major massacre associated with Srebrenica, the massacre at Kravica warehouse, was precipitated by the prisoners grabbing a rifle away from one of the guards, a member of the Skelani Special Police named Krsto Dragicevic (aka Krle) shooting him dead, wounding his commander Rade Cuturic (aka Oficir), and wounding another member of the Bratunac Brigade named Miroslav Stanojevic.

Protected witness PW-160 testified about the event for the prosecution in the Popovic trial. Responding to questions from the Prosecutor he said, "There was an attempt to take away the rifle from that officer, or rather the Deputy Commander of the Sekovici detachment. And then all the other things that happened, happened. There was a fight as a result of the rifle, and what happened afterwards."<sup>534</sup>

Milos Stupar was the man who drove Rade Cuturic to the hospital. He said that Cuturic told him the following: "He told me that when they arrived there, Krle entered the warehouse. He went about a metre or two inside with weapons, and that then they caught him, that they grabbed his rifle from him, that they shot him with his own rifle. And when he went to help Krle, they pointed the rifle at him. He grabbed the barrel and moved the barrel away from himself. And they shot for as long as there were bullets in the round." After the rifle ran out of bullets he said, "He ran outside, they ran after him, and that is when the shooting started."<sup>535</sup>

Again, the killings at Kravica warehouse were not motivated by genocidal intent to destroy the Bosnian-Muslim ethnic group as such. The killings were a reaction to the murder of Krsto Dragicevic and the attempt to kill the other guards. The guards killed the prisoners after the prisoners tried to kill them.

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<sup>534</sup> PW-160, Popovic transcript, 12 March 2007, ICTY, pg. 8624

<sup>535</sup> Milos Stupar, Blagojevic & Jokic transcript, 28 April 2004, pg. 8354-8355

## RATIO OF FORCES AND THE MUSLIM AGENDA

The fall of Srebrenica is a curious event in its own right. The Bosnian-Serb army rolled into Srebrenica practically unopposed even though the regime in Sarajevo had the forces required to defend the enclave.

Sefer Halilovic was one of the most senior commanders in Izetbegovic's military and he testified under oath at the UN war crimes Tribunal in The Hague that "the command of the 2nd Corps and the General Staff knew when the operation on Srebrenica started, but from a series of testimonies, the people who were in Srebrenica, both from military and political structures, we can clearly see that they asked for help, both of the command of the 2nd Corps and the command of the General Staff and President Izetbegovic, but that they did not receive that assistance. To answer your question whether they had the power and materiel to help, to come to the help of Srebrenica, I think that they did."<sup>536</sup>

Although UN Military Observers (UNMOs) were uncertain of the exact number of Muslim military personnel in Srebrenica, they believed "that at least half had side arms as well as heavy machine guns, light mortars, and anti-tank weapons including rocket propelled grenades and more modern ones."<sup>537</sup>

The Command of the 2nd Corps of the Army of Bosnia Herzegovina (ABiH) prepared a report detailing the operation Srebrenica's men undertook to flee Srebrenica across Bosnian-Serb territory to Tuzla. Their report said, "Numbers were not established when the column was formed, but some estimates put the number in the column at 10,000 to 15,000 people, including approximately 6,000 armed soldiers, not counting soldiers from Zepa."<sup>538</sup>

According to UN Military Observers, at the time of the attack the Bosnian-Serb Army's "Drina Corps was known to be stretched in terms of resources" and the strength of the Bosnian-Serb units surrounding Srebrenica was "1,000 to 3,000 infantry with up to 20 tanks as well as artillery and multiple launch rocket systems." When Srebrenica fell, the UNMOs estimated that the local Bosnian-Serb brigades "probably have around 1,500 infantry in total" and together with reinforcements from units stationed in adjacent areas, the total strength of the Bosnian-Serb forces around Srebrenica was "probably no less than 2,000 infantry."<sup>539</sup>

6,000 armed Muslim soldiers should have been able to fight off 1,000 to 3,000 Serb infantry men.

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<sup>536</sup> Testimony of Sefer Halilovic, Krstic Trial transcript, ICTY, April 5, 2001; Pg. 9454

<sup>537</sup> UN Military Observer HQ Sector NE, 26 July 1995 (Tolimir trial exhibit P01462)

<sup>538</sup> Report to General Staff BH Army, Sarajevo, Security Administration by Army of the Republic of Bosnia and Herzegovina, 2nd Corps Command, Military Security Service Department,: 28 August 1995; Pg. 7 (Tolimir Exhibit D00538.E)

<sup>539</sup> UN Military Observer HQ Sector NE, 26 July 1995 (Tolimir trial exhibit P01462)

When the Bosnian-Serbs attacked the enclave, UN Military Observers were stunned that the Muslim army didn't attempt to defend it. In their report they state: "The ABiH had the force ratios to defend the enclave particularly considering its hilly, wooded nature." They went on to write, "The advantages militarily seem to have been with the [Muslim] defenders to at least hold out for longer and have inflicted greater losses on the Bosnian-Serb Army than believed. However, the ABiH leadership seems to have actually acted against their own interests to carry out a successful defense."<sup>540</sup>

Dutch Battalion personnel in Srebrenica were surprised when Muslim troops in the enclave did not avail themselves of the weapons they were offered. On the morning of July 6, 1995 battalion personnel "Informed the Bosnian government forces that, if the Bosnian-Serb Army crossed the enclave boundary, the arms in the weapon collection point in Srebrenica would be released. Later, when this situation did indeed occur, the Bosnian government forces did not avail themselves of this opportunity."<sup>541</sup>

Not only was Srebrenica abandoned by the Bosnian Government, but Dutchbat was abandoned by the UN.

Yasushi Akashi, who at the time was the special envoy of the U.N. Secretary General in the former Yugoslavia, said the U.N. had "limited capabilities" and could not prevent the fall of Srebrenica. He told the Associated Press, "There was a hundred of U.N. troops versus thousands of Serb troops. What could we have done?"<sup>542</sup>

According to the Dutch battalion of U.N. peacekeepers who were deployed in Srebrenica, quite a bit could have been done. They were authorized to call in air strikes if the enclave was attacked, and when it was attacked they did call in air strikes, but they were blocked by the U.N. until it was too late.

According to the debriefing of Dutch Battalion personnel, "The battalion was counting on massive air support ... air support was requested around 10.30 hrs. [on July 11, 1995]. Then, despite all of its promises, the U.N. still failed to release air power."

The Dutch Battalion's report states that, "Both the battalion staff and the rest of Dutchbat are convinced that the fall of the enclave can be attributed to a distinct lack of support from the air; the limited close air support did not arrive until the battle was actually over."<sup>543</sup>

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<sup>540</sup> Ibid.

<sup>541</sup> Report based on the Debriefing on Srebrenica, 4 October 1995: Dutchbat, para 3.9 (Popovic trial exhibit P00534)

<sup>542</sup> Associated Press Worldstream, "U.N. diplomat says Srebrenica massacres could not have been prevented," November 22, 1999

<sup>543</sup> Report based on the Debriefing on Srebrenica, 4 October 1995: Dutchbat, paras 2.24, 3.4, 3.50 (Popovic trial exhibit P00534)

Not only was Srebrenica left to fend for itself by the UN and by its own government, but previous attempts to evacuate the refugees from the squalid conditions that existed in the enclave were blocked by the Bosnian Government.

On April 19, 1993– two years before the massacre – Reuters and the *New York Times* reported that:

“Authorities in Srebrenica refused today to allow civilians to be evacuated from the besieged Muslim town, a United Nations official said.

“‘We have just received confirmation that the Bosnian authorities in Srebrenica will not permit any evacuation’, a UN High Commissioner for Refugees spokeswoman said in Belgrade.

“She said the Muslim authorities didn’t give a reason for blocking the operation.”

During his testimony in the Milosevic trial, Gen. Morillon noted that “Had I been able to evacuate all those who had wanted me to do so at the time that I intervened in Srebrenica, we could certainly have saved a number of human lives.”

He added, “the Bosniaks used the presence of their population to keep the attention of the world focused on their situation, they prevented the evacuation from Srebrenica ...the authorities of Izetbegovic were the ones who stood up against the evacuation of those towards Tuzla for all those who wanted to, and there were many of them who wanted to.”<sup>544</sup>

Concurrent with Morillon’s failed efforts to evacuate the civilian population from Srebrenica, the Security Council designated it a “UN Safe Area” in April 1993.

As a “Safe area”, Srebrenica was supposed to be demilitarized. On May 8th 1993 Ratko Mladic on behalf of the Serbs, and Sefer Halilovic on behalf of the Muslims, signed an agreement on the demilitarization of Srebrenica in the presence of Gen. Morillon.<sup>545</sup> Unfortunately, the agreement was not respected.

Although the ICTY and the Western news media refuse to discuss the role played by anyone other than the Serbs, some Bosnian-Muslim officials have spoken out.

Ibran Mustafic was a founding member of Alija Izetbegovic’s political party, a member of the Bosnian parliament, and a resident of Srebrenica. In 1996 he told Sarajevo’s *Slobodna Bosna* newspaper that “The betrayal of Srebrenica was consciously prepared. Unfortunately, the Bosnian presidency and the Army command were involved in this business; if you want the names, figure it

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<sup>544</sup> Testimony of Gen. Philippe Morillon, Milosevic Trial transcript, ICTY, February 12, 2004

<sup>545</sup> Demilitarization Agreement (Popovic trial exhibit P00003)

out yourself. I understood the situation in Srebrenica and, you can trust me on this, had I not been prevented by a group of criminals, many more inhabitants of Srebrenica would be alive today. Had I received an order to attack the Serb army from the demilitarized zone, I would have rejected to carry out that order without thinking and would have asked the person who had issued that order to bring his family to Srebrenica so that I can give him a gun and let him stage attacks from the demilitarized zone. I knew that such shameful, calculated moves were leading my people to a catastrophe.”<sup>546</sup>

In 1998, Srebrenica’s wartime chief of police, Hakija Meholic told the Sarajevo newspaper Dani that in September 1993 Izetbegovic told him: “You know, I was offered by [Bill] Clinton in April that the [Serbian] Chetnik forces enter Srebrenica, carry out a slaughter of 5,000 Muslims, and then there will be a [NATO] military intervention.”<sup>547</sup>

Meholic’s statement is supported by the UN Secretary General’s report on the fall of Srebrenica, which says “Representatives of the Bosniac community gathered in Sarajevo on 28 and 29 September [1993] to vote on the [British warship H. M. S. Invincible] peace package. A delegation of Bosniacs from Srebrenica was transported to Sarajevo by UNPROFOR helicopter to participate in the debate. Prior to the meeting, the delegation met in private with President Izetbegovic, who told them that there were Serb proposals to exchange Srebrenica and Zepa for territories around Sarajevo. The delegation opposed the idea, and the subject was not discussed further. Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told them he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could only occur if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegovic has flatly denied making such a statement.”<sup>548</sup>

## CONCLUSION

What happened at Srebrenica has been cynically manipulated by the Bosnian Government, Western politicians, and the news media for their own political purposes, but the truth is out there and it’s hiding in plain sight. It is buried deep within the transcripts and the exhibits in the archives of the ICTY and the UN, but it’s there for anyone who cares to find it.

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<sup>546</sup> “‘Srebrenica was a sacrificial lamb’ says Muslim official from Srebrenica,” Slobodna Bosna (Sarajevo), July 14, 1996

<sup>547</sup> “5,000 Muslim Lives for Military Intervention,” Dani (Sarajevo), June 22, 1998;

See also: Meholic’s interview on Dutch TV <[http://www.youtube.com/watch?v=i1a-\\_LzxDyE](http://www.youtube.com/watch?v=i1a-_LzxDyE)>

<sup>548</sup> UN Report on Srebrenica, UN doc: A/54/549, dated 15 November 1999; Pg. 31

The toll of the Srebrenica massacre is just as exaggerated as the toll of the Bosnian war itself was. In the ten years following the end of it the war it was widely reported that more than 250,000 people had been killed in Bosnia-Herzegovina during the war.

The news media went on reporting a death toll in excess of a quarter of a million people until 2005 when cooler heads prevailed and sober research revealed that the death toll was really closer to 100,000 – less than half the number originally reported.<sup>549</sup>

Eventually the myth of “8,000 unarmed civilian men and boys executed in Europe’s worst genocide since World War II” will die as well. Even some of the judges at the ICTY have begun to backpedal. In 2012 the Tolimir trial chamber conceded that the death toll of the massacre could have been as low as 4,970.<sup>550</sup> By our reckoning they’ve still overestimated the number of massacre victims by more than 1,000 – but it is a significant downward revision from the earlier estimates of 7,000 to 8,000 massacre victims reached by the Krstic and Popovic trial chambers, and the dissenting opinion of Judge Nyambe devastates the “official” Srebrenica story.

The cause of truth is best served by putting the trial transcripts, video footage of the trial proceedings, and the exhibits adduced by the ICTY and the BiH State Court into the public domain where everybody can see it. The more accessible the evidence is to the public, the sooner the truth about Srebrenica will come out.

The Srebrenica massacre was not the Serbs’ finest hour, but neither was it the genocidal slaughter of innocent civilians as it has been portrayed. The summary execution of approximately 3,900 enemy soldiers and military aged men is an awful crime in its own right, but it’s hardly comparable to the Holocaust.

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<sup>549</sup> Deutsche Presse-Agentur, Bosnian war “claimed 100,000 lives,” November 21, 2005

<sup>550</sup> Tolimir Judgment, ICTY, 12 December 2012, para. 570

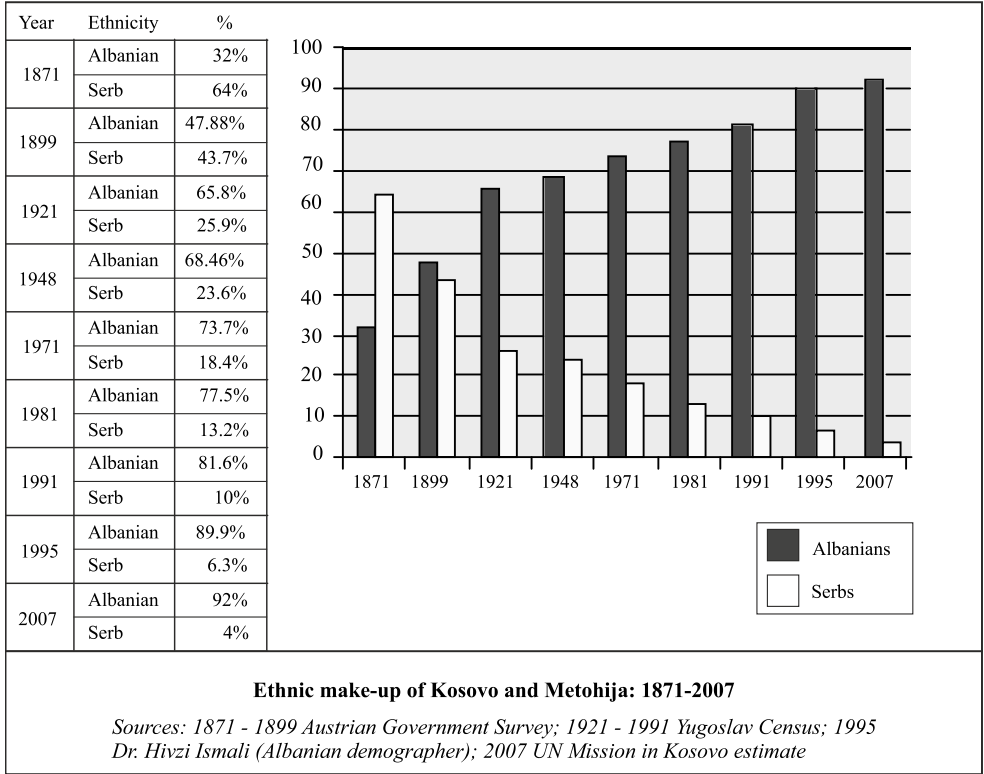
# CHAPTER 6

## Albanian Separatism and War in Kosovo and Metohija

Kosovo and Metohija is a province of Serbia, one of Yugoslavia’s former republics. Located in southern Serbia, it borders Albania, Macedonia, and Montenegro. Albanians and Serbs are the two largest ethnic groups in the province.

Kosovo’s Serbs and Albanians each claim to be victims of genocide at the hands of the other population. Over the course of the last 150 years, Kosovo’s Serbian population has decreased, while the Albanian population has increased.

The following table tracks Kosovo’s ethnic make-up from 1871 until 2007:



Albanians demand Kosovo’s secession from Serbia, which Serbia rejects, citing a historical claim to Kosovo dating back more than 14 centuries.

## **MEDIEVAL KOSOVO AND METOHIJA**

The Serbs first settled Kosovo in the 7th century. Kosovo was the heart of the Serbian kingdom until the Ottoman Empire invaded it in 1389.

The Serbs converted to Christianity in the 9th century and the seat of the Serbian Orthodox Church has been in Kosovo ever since the Church was founded in the 11th century. Hundreds of medieval Serbian churches and Orthodox monasteries stand as evidence of Kosovo's undeniable Serbian heritage.

Even the etymology for the name Kosovo and Metohija is Serbian. Kosovo comes from the Slavic word "kos" which means blackbird. The name "Kosovo" stems from "Kosovo Polje" meaning field of blackbirds; "Metohija" means "land of the church". The Albanian name "Kosova" is a variant on the province's Serbian name.

According to census and tax records from the Ottoman Empire, in the year 1455, 95.88% of Kosovo's population was Serbian and only 0.26% was Albanian.<sup>551</sup>

Serbs were second-class citizens in Ottoman-occupied Kosovo because they clung to their Christian faith. They were given the status of *Raya*, which meant that they were denied rights because they were non-Islamic subjects of a Muslim Empire. The Empire gave the Albanians, who largely abandoned Catholicism and converted to Islam, a more favorable status.

Kosovo's ethnic make-up began to change with "The Great Migration of 1690" following a failed Serb revolt against Ottoman rule in Kosovo. It was then, in the late 17th century that Albanians began immigrating to Kosovo in large numbers to settle the land from which the Serbian population had been driven off.

The Ottoman Empire allowed Albanian Muslims to run rampant in Kosovo. The Turkish authorities permitted Albanians to murder Serbs, rape Serbian girls, and steal Serbian property with impunity. This repression continued unabated until Serbia regained control over Kosovo in the Balkan War of 1912.

## **ALBANIANS BECOME THE MAJORITY IN KOSOVO**

In 1866 Evgeny Timayev, the Russian consul in Prizren, wrote that: "The Albanian folk are increasingly conquering the lands they are settling... The massive settling of the Prizren Sanjak [Kosovo] ... is not encountering any obstacles. It

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<sup>551</sup> "Kosovo and Metohia Past - Present - Future" papers presented at the international scientific Meeting held in the Serbian Academy of Sciences and Arts; Belgrade, March 16-18, 2006; Introduction; Kosta Mihailović; Pg. IX



seems that the Turkish government would be very happy if no Christians were left in this province.”<sup>552</sup>

Although they suffered widespread persecution under Ottoman occupation, Serbs were still the majority population in Kosovo as recently as 1871. According to statistics compiled by the Austrian government, Serbs were 64% of Kosovo’s population and Albanians were still a minority at 32%.<sup>553</sup>

Albanians became Kosovo’s dominant ethnic group by waging a brutal campaign of repression against the Serbian population during the late 19th and early 20th centuries. A survey commissioned by the Austrian Government in 1899 found that Albanians were 47.88% of the population and Serbs were now a minority at 43.7%.<sup>554</sup>

## THE PRIZREN LEAGUE

In 1878 the Albanians established the Prizren League, which had the goal of establishing a greater Albanian state. The founding documents of the Prizren League outline which territories the Albanians sought to control. These territories include present-day Albania, Kosovo, Serbia’s Presevo Valley, northern Greece, western Macedonia, and southeastern Montenegro.

To achieve their dream of a greater Albanian state in Kosovo the Albanians killed or expelled over 150,000 Serbs in the years between 1878 and 1912. Several foreign observers who traveled to Kosovo during that time corroborate Serb accounts of a widespread and systematic campaign of Albanian terror against the Serbian population.

In 1880 Kirby Green, the British consul for Northern Albania, wrote about the situation in Kosovo saying, “The Albanian League is an organization of the most fanatical Muslims in the country. Those people are now taken up with extreme religious fanaticism and hatred of Christians. With the exception perhaps of Mecca, Prizren is the most dangerous spot for a Christian to be in all Mohammedan countries.”<sup>555</sup>

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<sup>552</sup> Ibid.; Ottoman and Albanian Violence Against the Serbs of Kosovo and Metohija; Djordje Mikić; Pg. 30

<sup>553</sup> Dr. Slavenko Terzic, “Kosovo and Metohija in the 20th Century”, September 17, 2004; See also: 1871 study by Austrian colonel Peter Kukulj: “Das Fürstenthum Serbien und Türkisch-Serbien, eine militärisch-geographische Skizze von Peter Kukulj, Major im k.k.Generalstabe, Wien” published in 1871 for the internal use of the Austro-Hungarian army showed that the mutesarifluk of Prizren (corresponding largely to present-day Kosovo) had some 500,000 inhabitants, of which: 318,000 Serbs 64%, and 161,000 Albanians 32%

<sup>554</sup> Ibid.; See also: Austrian statistics: “Detailbeschreibung des Sandzaks Plevlje und des Vilajets Kosovo (Mit 8 Beilagen und 10 Taffeln), Als Manuskript gedruckt, Vien 1899, 80-81” published in 1899 estimated: Albanians 47.88% and Serbs 43.7%

<sup>555</sup> Testimony of expert witness Slavenko Terzic, Milosevic trial transcript, ICTY, December 6, 2004; Pg. 34212; See: Miranda Vickers, *Between Serb and Albanian: A History of Kosovo*, (Columbia University Press, New York, 1998), Pg. 47

On September 9, 1901, a British diplomatic cable sent to the Marquess of Lansdowne said: "Old Serbia [Kosovo] is still a restive region because of the Albanians' lawlessness, vengeance and racial hatred."<sup>556</sup>

British journalist Henry Noel Brailsford wrote in his 1906 book *Macedonia* that in Kosovo "There are few Serbian villages that have not been looted bare on one occasion or another... A village suffers total deprivation for two or three years at a time and then, thanks to hard work, it manages to start a herd, only to have it stolen as well." He emphasized that the Albanians "manifested semi-feudal terrorism" against the Serbian population saying, "I tried to find out about what kind of a system of land rent this was. As a rule, my questions were met with a smile. The system of land rent in that land, where the Kur'an and the rifle were the only law, was what the Albanian area chieftain chose it to be. The Serbian peasants, the children of that soil, are tenants according to someone's whim, exposed to every caprice of their domestic conquerors. Albanian highlanders conquer more of the plains each year, while the Serbian peasants flee before them year after year. Hunger, want and disease are the natural companions of that daily abuse."

Serbia regained control over Kosovo in 1912, but years of Albanian repression had drastically changed Kosovo's ethnic make-up. According to the 1921 Yugoslav census, Albanians made up 65.8% of Kosovo's population and Serbs were a minority of 25.9%.

## **KOSOVO DURING WORLD WAR II**

During World War II Kosovo was invaded by the Axis powers, and in 1941 Kosovo was annexed to Albania until Allied forces liberated the territory and returned the province to Yugoslav sovereignty.

Many Kosovo Albanians saw the Axis powers as guarantors of their ambition to create a greater Albanian state in Kosovo. In order to realize this goal, many Kosovo Albanians volunteered for service in the Nazi SS.

A number of Albanians joined the 13th Waffen-Gebirgs Division der SS "Handschar" (Kroat Nr.1). Although this division was primarily made up of Muslims from the Independent State of Croatia (NDH), it did contain an entire battalion of Albanians commanded by Nazir Hodic from Kosovo.

In the spring of 1944 Heinrich Himmler established the 21st Waffen-Gebirgs Division der SS "Skanderbeg" (Albanische Nr.1). This division numbered more than 9,000 men and was made up primarily of Albanian volunteers from Kosovo.

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<sup>556</sup> Testimony of expert witness Slavenko Terzic, Milosevic trial transcript, ICTY, December 6, 2004; Pg. 34209; See: Correspondence Respecting Affairs of South-eastern Europe, London 1903, presented to both houses of parliament in February 1903, Pg. 88; See Also:

The Skanderbeg division's first operation was a raid, on May 14, 1944, against the Jewish community in Pristina. Kosovo-Albanian SS troops raided apartments and homes belonging to Jews, looting their possessions and rounding them up for deportation to Nazi death camps.

The SS Skanderbeg Division apprehended 281 Kosovo Jews, which included men, women, and children. From May to June 1944 they apprehended a total of 519 Jews and Serbs from Kosovo.<sup>557</sup>

The Kosovo-Albanian Nazis' hatred of Jews was exceeded only by their hatred of Serbs. They took full advantage of the Axis occupation to wage a second extermination campaign against the Serbs.

The Italian army reported that the Albanians were "hunting down Serbs," and that the "Serbian minority are living in conditions that are truly disgraceful, constantly harassed by the brutality of the Albanians, who are whipping up racial hatred."<sup>558</sup>

Carlo Umiltà, a civilian aide to the Commander of the Italian occupation forces in Albania, described some of the atrocities in his memoirs writing, "The Albanians are out to exterminate the Slavs."<sup>559</sup>

German diplomat Hermann Neubacher, the Third Reich's representative for southeastern Europe, reported that the "Shiptars [Kosovo Albanians] were in a hurry to expel as many Serbs as possible from the country."<sup>560</sup>

In June of 1942 the prime minister of Albania, Mustafa Kroja, openly declared his intentions before his followers in Kosovo: "The Serbian population of Kosovo should be removed as soon as possible ... All indigenous Serbs should be qualified as colonists and as such, via the Albanian and Italian governments, be sent to concentration camps in Albania - Serbian settlers should be killed."<sup>561</sup>

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<sup>557</sup> Carl Savich, "Albanian Muslims' Role in the Holocaust," February 20, 2007

<sup>558</sup> George Thompson, "The Roots of Kosovo Fascism," February 19, 2000; See also Dr. Smilja Avramov, *Genocide in Yugoslavia*, (Belgrade, Bigz, 1995), Note 117

<sup>559</sup> Ibid., Carlo Umiltà, *Jugoslavia e Albania. Memorie di un diplomatico* (1947)

<sup>560</sup> Ibid., Dr. Slavenko Terzic, "Albanian Ethnic Cleansing of Old Serbia," Historical Institute of Serbian Academy of Sciences and Arts, Note 14: Hermann Neubacher, *Soncerauftrag Sudost 1940-1945*, Goetingen 1953, Pg. 116

<sup>561</sup> Ibid., Dr. Slavenko Terzic, "Kosovo, Serbian Issue and the Greater Albania Project" Historical Institute of Serbian Academy of Sciences and Arts, Note 13: Dimitrije Bogdanovic, *A Book About Kosovo*, Belgrade 1990, Pg. 248-249

Similarly, Kosovo Albanian leader Ferat-bey Draga, said that the “time has come to exterminate the Serbs ... there will be no Serbs under the Kosovo sun.”<sup>562</sup>

Fortunately for the Serbs, the Axis powers lost the war. Kosovo was returned to Yugoslav rule and the Albanians were unable to carry out their “final solution” in Kosovo. But World War II had changed Kosovo’s ethnic make-up. The Albanian population increased yet again and the Serbian population was further diminished. In 1948, when Yugoslavia took its first census after the war, it was revealed that Albanians were outnumbering Serbs by a ratio of more than 3 to 1 in Kosovo. Albanians had grown to 68.46% of the population while the Serbian population had shrunk to 23.6%.

## KOSOVO UNDER TITO

Tito’s Communists controlled Yugoslavia following World War II. From the end of the war until his death in 1980, Josip Broz Tito was the undisputed ruler of Yugoslavia, including Kosovo.

Next door in Albania, Envir Hoxha was that country’s communist dictator until 1985. The brand of communism practiced by Tito’s Yugoslavia was more liberal than the Stalinist brand of communism practiced in Albania.

Kosovo-Albanian militias known as the Bali Kombetar (National Front) fought Tito throughout the late 40s and early 1950s. The Bali Kombetar were Albanian nationalists dedicated to Kosovo’s secession from Serbia and the establishment of a Greater Albania.

Throughout his reign, Tito used force to keep the Kosovo Albanians in line. During the 1950s and 60s, Yugoslav UDBA (state security) employed harsh measures against Kosovo Albanians suspected of anti-Yugoslav or “counter-revolutionary” activities.

During the late 1960s Tito eased up, but the Kosovo Albanians were still intent on separating Kosovo from Serbia and uniting it with Albania.

In November of 1968 the Kosovo Albanians held mass demonstrations under the slogans “Kosovo Republic” and “Unification”. When demonstrations got out of hand, Tito sent in the army to bring the situation under control.<sup>563</sup>

The demonstrations were violent, as one Albanian participant recalled: “[T]he streets of Pristina were covered with blood” following clashes with the army.<sup>564</sup>

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<sup>562</sup> Ibid., Dusan T. Batakovic, *The Kosovo Chronicles*, (Plato, Belgrade, 1992), Citing: H. Bajrami, *Izvestaj Konstantina Plavsica Tasi Dinicu, ministru unutrašnjih poslova u Nedicevoj vladi oktobra 1943, o kosovsko-mitrovackom srezu, Godisnjak arhiva Kosova XIV-XV (1978-1979)*, Pg. 313

<sup>563</sup> Testimony of Vukasin Jokanovic (Speaker of the Kosovo parliament and member of the Kosovo presidency), Milosevic trial transcript, ICTY, December 1, 2004, Pg. 33987-33990

Following this unrest, a series of constitutional changes were adopted in 1968, 1971, and 1974, which expanded the competences of Kosovo's provincial government.

Although Tito had tried everything from force to appeasement to deal with Kosovo's Albanians, nothing was ever done to protect the non-Albanian population. By the time of Tito's death in 1980, Kosovo's Serb population had shrunk to roughly 13.2% while the Albanian population had grown to 77.5%.<sup>565</sup>

## **MODERN KOSOVO-ALBANIAN SEPARATISM PREDATES MILOSEVIC**

By 1981 it was clear that the constitutional changes weren't appeasing the Kosovo Albanians. Emboldened by the death of Tito, Albanian nationalists stepped up their efforts to chase non-Albanian minorities out of the province and establish a Greater Albania.

On April 2, 1981, rioting erupted in Kosovo. Nine people were killed and scores injured as police broke up a mob of 10,000 ethnic Albanian demonstrators who were rampaging through the streets of Pristina smashing shop windows and destroying factory machines. The demonstrators, some armed with guns and firing at the police, pushed children in front of them to make it more difficult for security forces to disrupt the march.<sup>566</sup>

The Yugoslav Government called the rioting the "worst outbreak of separatist demands" since World War II and imposed martial law to bring the situation back under control. Eyewitnesses reported that cars and trucks were overturned and burning in the center of Pristina while the army guarded public buildings and ambulances toured the streets to pick up the injured.<sup>567</sup>

The separatist nature of the rioting was clear to everyone. When the *New York Times* reported on it their lead paragraph read: "Yugoslav tanks and troops took up positions today in a province in the south to put down anti-Government riots by Albanian separatists ... the separatists want to unite with Albania, the small and self isolated Communist country on the Adriatic."<sup>568</sup>

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<sup>564</sup> Testimony of Emin Kabashi, Milosevic trial transcript, ICTY, May 1, 2002, Pg. 4019

<sup>565</sup> SFRY Census, 1981

<sup>566</sup> "Yugoslavs Take Emergency Steps In Face of Ethnic Disturbance," *The Washington Post*, April 3, 1981; See Also: "Belgrade Sends Tanks to Rebellious Region," *The New York Times*, April 4, 1981

<sup>567</sup> "Yugoslavia Uses Army To Quell Nationalist Unrest in One Province," *The Washington Post*, April 4, 1981

<sup>568</sup> "Belgrade Sends Tanks to Rebellious Region," *The New York Times*, April 4, 1981

According to accounts published in the *Washington Post*, the demonstrators were said to be chanting “Long Live Enver Hoxha” along with slogans demanding Kosovo’s unification with Albania.<sup>569</sup>

The situation in Kosovo attracted international attention. The *New York Times* reported that the 1981 Kosovo riots were “the worst riots in Yugoslavia since World War II”.<sup>570</sup> The rioting marked the first time since the Second World War that a full state of emergency had been declared in any part of Yugoslavia.<sup>571</sup>

Things flared up in Kosovo a month later when Pristina University was forced to close its doors amid student demonstrations demanding Kosovo’s unification with Albania.<sup>572</sup>

In 1982 Becir Hoti, an ethnic Albanian official in Kosovo’s ruling Communist Party, explained the situation quite well. He told the *New York Times*: “The nationalists have a two-point platform. First to establish what they call an ethnically clean Albanian republic and then the merger with Albania to form a Greater Albania.”<sup>573</sup>

This is significant because today’s Western narrative claims that the Kosovo-Albanian population wants to secede from Serbia because they allegedly suffered mistreatment under the rule of Slobodan Milosevic.

That thesis is exposed as a fallacy because Slobodan Milosevic’s political career didn’t begin until 1983, when he took a job as economic advisor to the mayor of Belgrade. Milosevic didn’t have any real power until he was elected chairman of the Serbian League of Communists in 1987.

Kosovo-Albanian separatism had already erupted violently in 1981 and 1982 - well before the public even knew who Slobodan Milosevic was. Therefore, Kosovo-Albanian separatism can’t be a reaction to his policies, because it predates his political career by several years.

## **SERBIAN EXODUS FROM KOSOVO DURING THE 1980s**

It was no secret that the Serbian population was leaving Kosovo throughout the 1980s. In 1981 the *Washington Post* reported: “The Serbs are a minority whose proportion of the population is dwindling because of the exceptionally high birth rate of Kosovo Albanians, which stands at about 29 per 1,000, the highest in Europe. The demographic trend has been intensified by a slow but

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<sup>569</sup> “Yugoslavia Uses Army To Quell Nationalist Unrest in One Province,” *The Washington Post*, April 4, 1981

<sup>570</sup> “Roots of Yugoslav Riots: Vague ‘Enemy’ Blamed,” *The New York Times*, April 20, 1981

<sup>571</sup> “Emergency Declared After Albanians Riot,” *The Globe and Mail* (Canada), April 4, 1981

<sup>572</sup> “Yugoslavia Fails to Cool Bubbling Unrest in Kosovo,” *Christian Science Monitor* (Boston, MA), May 21, 1981

<sup>573</sup> “Exodus of Serbians Stirs Province in Yugoslavia,” *The New York Times*, July 12, 1982

steady exodus of Serbs from Kosovo after they lost control of the province and it was granted full home rule. Since then Albanians have come to dominate the political life of Kosovo. They have replaced Serbs in key positions, established an Albanian university in Pristina and made Albanian the dominant language in the province.”<sup>574</sup>

Nothing Serbian was safe in Kosovo. In 1981 Albanian extremists set fire to the Patriarchate of Pec monastery complex, one of the holiest sites in the Serbian Orthodox Church.<sup>575</sup>

Following the 1981 riots, and various assaults on Serbian places of worship, fears among Kosovo’s Serbian population escalated. Frightened of being the target of Albanian demonstrations, several Serbian villages erected blockades to protect themselves from possible attack.<sup>576</sup>

The Serbs had been fleeing from Albanian persecution for years, but increased violence in the early 1980s greatly accelerated their exodus from the province.

In 1982 the New York Times reported that: “acts of violence, mostly attacks on Kosovo Serbs or their property continue ... such incidents have prompted many of Kosovo’s Slavic inhabitants to flee the province, thereby helping to fulfill a nationalist demand for an ethnically ‘pure’ Albanian Kosovo. The latest Belgrade estimate is that 20,000 Serbs and Montenegrins have left Kosovo for good since the 1981 riots.”<sup>577</sup>

Yugoslav officials estimated that approximately 57,000 Serbs fled the province over the ten- year period between 1972 and 1982.<sup>578</sup>

By 1986 it was no secret that the Serbs were living in fear of Kosovo’s Albanians. One column in the *New York Times* reported that “The ethnic Albanian majority in the autonomous province of Kosovo is feared by the minority population of Serbs and Montenegrins, who believe the Albanians are seeking to drive them out of the province... Non-Albanian Yugoslav residents and visitors characterize the atmosphere of Kosovo as frighteningly restrictive and its Communist leadership as so dogmatic as to resemble the rigorously Stalinist regime that holds power in nearby Albania.”<sup>579</sup>

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<sup>574</sup> “Ethnic Rioting Poses Crucial Challenge to Yugoslavia’s New Leader,” *The Washington Post*, April 18, 1981

<sup>575</sup> Serbian Orthodox Diocese of Raska and Prizren, “The Mother Church of the Serbian Patriarchate,” August 25, 2006: <<http://www.decani.org/epatrijarsija.html>>

<sup>576</sup> “Yugoslavia Uses Army To Quell Nationalist Unrest in One Province,” *The Washington Post*, April 4, 1981

<sup>577</sup> “Yugoslavs Seek to Quell Strife in Region of Ethnic Albanians,” *The New York Times*, November 9, 1982

<sup>578</sup> “Exodus of Serbians Stirs Province in Yugoslavia,” *The New York Times*, July 12, 1982; See Also: “Serbs in Kosovo Exodus,” Facts on File World News Digest, September 10, 1982

<sup>579</sup> “In One Yugoslav Province, Serbs Fear the Ethnic Albanians,” *The New York Times*, April 28, 1986

Throughout the 1980s, Kosovo's non-Albanian minorities were subjected to every kind of violent attack. These attacks included murders, abductions, arson, and vandalism. One of the most insidious weapons in the Albanian nationalist arsenal was rape. By the late 1980s Kosovo-Albanian men were increasing sexual assaults against non-Albanian women in order to drive non-Albanian families out of the province.

The cavalier attitude of the Kosovo-Albanian authorities towards this sort of crime was demonstrated in 1987. Fadilj Hodza, a leading Kosovo-Albanian politician and former President of Kosovo, remarked on the rising number of rapes in the province by joking that Serbian women might not get raped as often if more of them worked as prostitutes in Kosovo's cafes.<sup>580</sup>

## A NEW CONSTITUTION IS ADOPTED

By the early 1980s it was clear to everyone in Yugoslavia that something had to be done about the situation in Kosovo. In 1982 and 1983 the Central Committee of the League of Communists of Yugoslavia (LCY) adopted a set of conclusions aimed at centralizing Serbia's control over law enforcement and the judiciary in its Kosovo and Vojvodina provinces.<sup>581</sup>

In 1986 Serbia's president, Ivan Stambolic, established a commission made up of representatives from Serbia-proper, Kosovo, and Vojvodina to amend the Constitution of Serbia so that it would conform to the conclusions adopted by the federal LCY.<sup>582</sup>

The constitutional commission worked for three years to harmonize its positions and in 1989 submitted a draft of the new constitution to the Serbian Assembly for approval. The new constitution was fully supported by the federal Yugoslav authorities and by the provincial authorities in Kosovo and Vojvodina.

In February 1989 Stipe Suvar, the Croatian President of the federal LCY, said: "Our main problem is that throughout these years, from the explosion of Albanian nationalism, accompanied by all those counterrevolutionary demands from 1981 onwards, we still have not made or achieved this in-depth transformation. We did not improve the situation or achieve stabilization.

"Together with Albanians, who are an overwhelming majority in the province, there live there also Serbs and Montenegrins who feel the most threatened and

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<sup>580</sup> John Greenwald, "Yugoslavia Teetering on the Brink," *Time Magazine*, November 30, 1987; See Also: "Thousands of Women Demonstrate in Kosovo, Yugoslavia," *The Xinhua News Agency (China)*, October 17, 1987

<sup>581</sup> Testimony of Vukasin Jokanovic (Speaker of the Kosovo parliament and member of the Kosovo presidency), *Milosevic Trial Transcript, ICTY*, December 1, 2004, Pg. 34030

<sup>582</sup> *Ibid.*; pg. 34031



are indeed the most threatened, followed by Muslims, who live there in considerable numbers, as well as Romas, Croats, and all the others.

"It is ludicrous to hear discussions about which nationalism is more dangerous. In Kosovo, the Albanian nationalism is 100 times more dangerous.

"In conclusion, I think what happened in the Assembly of Serbia concerning constitutional amendments is good, as well as the way it happened. First of all, I can't understand why the Albanian masses in Kosovo seem to think that something radically changed here, because the amendments relate to five or six issues, and it is quite normal that Serbia receives competence over them as a state."<sup>583</sup>

Kosovo's provincial Communist Party adopted the same line as their federal counterparts. At a Yugoslav leadership summit in Pristina, Kosovo's party presidency stated that the amendments to the Serbian Constitution "invoke the stances taken by the Presidency of the Socialist Federal Republic of Yugoslavia," adding that "The Presidency of the provincial committee of the League of Communists of Kosovo reiterates once again that it supports constitutional changes to the constitution of Serbia and demands that they be passed as soon as possible in order for the Republic of Serbia to be able to exercise its powers and functions on its whole territory, because these amendments do not jeopardize the autonomy of provinces or the equality among peoples and minorities."<sup>584</sup>

In order for the constitutional amendments to be passed by the Serbian Assembly, they first had to be approved by the Kosovo Assembly, and the Vojvodina Assembly.

On March 10, 1989, the Vojvodina Assembly approved the amendments. The Kosovo Assembly approved them on March 23rd, and the Serbian Assembly finally ratified the constitutional amendments on March 28th.<sup>585</sup>

The ethnic composition of the Kosovo Assembly was over 70% Albanian, with the remaining members being Serbs, Montenegrins, Turks and others.<sup>586</sup>

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<sup>583</sup> Ibid.; pg. 34039 - 34040; See Also: Milosevic trial exhibit #D253

<sup>584</sup> Ibid.; Pg. 34039-34040; See Also: Milosevic trial exhibit #D253: Record of summit meeting of the Yugoslav leadership held in Pristina; February 28, 1989; "Conclusions of the Presidency of the Provincial Committee of The League of Communists of Kosovo"

<sup>585</sup> "Party and Government: Vojvodina Agrees to Serbian Constitutional Changes," *BBC Summary of World Broadcasts*, March 16, 1989; Source: Excerpts Yugoslav News Agency in English 1815 gmt 10 Mar 89; See Also: "Kosovo Assembly Adopts Changes to Serbian Constitution," *BBC Summary of World Broadcasts*, March 24, 1989; See Also: "21 Dead in Two Days Of Yugoslav Rioting; Federal Assembly Ratifies Changes at Issue," *The Washington Post*, March 29, 1989

<sup>586</sup> Testimony of Vukasin Jokanovic (Speaker of the Kosovo parliament and member of the Kosovo presidency), Milosevic Trial Transcript, ICTY, December 1, 2004; Pg. 34049

The vote in the Kosovo Assembly wasn't even close. One hundred eighty-seven of the 190 assembly members were present when the vote was taken: 10 voted against the constitutional amendments, 2 abstained, and the remaining 175 voted in favor of the amendments.<sup>587</sup>

The result of the vote is hardly surprising given that Yugoslavia had been a communist country with a single party system since the end of World War II, and the federal Communist Party had proposed and supported the amendments.

Although nothing had really changed, Kosovo-Albanian nationalists reacted violently to the amendments. The new Serbian Constitution stood in the way of their plans to secede from Serbia and establish their dream of an ethnically pure greater Albanian state in Kosovo - so they rioted for six days.

The UPI wire service reported that the rioting killed 29 people and left 30 policemen and 97 civilians wounded. Their report said that "the unrest began when amendments were approved [by the Kosovo Assembly] returning to Serbia control over the province's police, courts, national defense and foreign affairs ... mass demonstrations turned into violent street rioting when demonstrators began using firearms against police."<sup>588</sup>

## KOSOVO'S AUTONOMY

The 1989 amendments to the Serbian Constitution have often been portrayed as "Milosevic revoking Kosovo's Autonomy". The assertion that "Milosevic revoked Kosovo's Autonomy" is malicious because it is intended to justify the violent acts of Kosovo-Albanian extremists by providing them with a legitimate grievance.

The initiative to change the Serbian Constitution came from the federal Communist Party in response to the 1981 rioting by Kosovo-Albanian secessionists. Official documents relating to the planned amendments date back to 1982 and 1983, long before Milosevic was even involved in politics.

The commission to amend the constitution was set up in 1986 by Milosevic's predecessor Ivan Stambolic, more than a year before Milosevic held any real power in the hierarchy of the party or the government.

The Kosovo Assembly, which had an Albanian majority, approved the amendments five days before the Serbian Assembly.

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<sup>587</sup> Ibid.; Pg. 34046; See Also: "Kosovo adopts constitutional changes" The Xinhua General Overseas News Service (China), March 23, 1989

<sup>588</sup> "Tense Calm Maintained in Restive Province," United Press International, March 29, 1989

One could even argue that Kosovo didn't have any meaningful autonomy that could be revoked anyway. The Communist Party expanded Kosovo's provincial powers in 1974 and rolled them back somewhat in 1989. Kosovo was under the control of the LCY the entire time. It didn't matter where the *de jure* power was, because the *de facto* power was always with Tito or the Central Committee of the federal League of Communists.

After the amendments were passed, Kosovo's degree of autonomy remained virtually unchanged. Kosovo maintained practically the same status it had before the amendments were enacted. All the amendments did was place Serbia on an equal footing with the rest of the republics in Yugoslavia. The new constitution gave Serbia authority over police and judicial functions on the whole of its territory, as well as control over national defense and foreign affairs - just like all of the other Yugoslav republics had.

Kosovo still had the status of a self-governing province within Serbia. It had its assembly and the authority to pass laws on its territory. Kosovo also kept its own judicial system; the only difference was that after 1989 one could appeal a verdict of the Kosovo courts up to the Serbian courts.

Kosovo's status within the Yugoslav Federation was not compromised by the amendments. Kosovo kept the same number of representatives in the Federal Assembly and it kept its representative in the Federal Presidency.

The government of Kosovo continued to function normally until the summer of 1990, at which time Croatia and Slovenia began announcing their intentions to secede from Yugoslavia. At that point a split emerged in the Kosovo Assembly.

One faction of about 40 renegade deputies wanted to secede from Serbia and attempted to read out an illegal declaration on Kosovo's independence at the assembly hall. The situation in the Kosovo Assembly building was so dramatic that the president of the assembly had to suspend the session because there was a danger that fighting would break out among the deputies.<sup>589</sup>

The Kosovo Assembly found itself unable to function. Stane Dolanc led the faction of deputies opposing Kosovo's secession from Serbia. When he condemned the unlawful conduct of the secessionist deputies, pandemonium broke out in the assembly hall. The President of the Kosovo Assembly closed the assembly hall and sent an official request to the Assembly of Serbia asking it to temporarily dissolve the Kosovo Assembly.<sup>590</sup>

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<sup>589</sup> Testimony of Vukasin Jokanovic (Speaker of the Kosovo parliament and member of the Kosovo presidency), Milosevic Trial Transcript, ICTY, December 1, 2004; Pg. 34069 - 34070

<sup>590</sup> Ibid.; Pg. 34073

Because of the dramatic situation, the threat of violence, and the inability of the Kosovo Assembly to function, the Serbian Assembly accepted the request and the Kosovo Assembly was temporarily dissolved.

Yugoslavia's federal Assembly fully supported the Serbian Assembly's decision and issued a statement saying that "the Federal Chamber of the SFRY Assembly concluded that Serbia dissolved the Kosovo Assembly and its Executive Council in order to protect the constitutional order and territorial integrity of the republic and Yugoslavia."<sup>591</sup>

Slobodan Milosevic, although he had no say in the matter, was against the temporary dissolution of the Kosovo Assembly. When the President of the Kosovo Assembly first suggested dissolving the Assembly, Milosevic told him that he should let the secessionist deputies speak while enforcing the rules of parliamentary procedure.<sup>592</sup>

Nonetheless, the Kosovo Assembly was dissolved pursuant to its own request. A new Kosovo Assembly was elected in 1993, but Kosovo's Albanian population boycotted the elections.<sup>593</sup>

## **KOSOVO'S ALBANIANS ESTABLISH PARALELL INSTITUTIONS**

After failing to unlawfully proclaim Kosovo's secession from Serbia at the real Kosovo Assembly, a group of renegade Albanian deputies established a parallel "Assembly" and promulgated a parallel "constitution" in the town of Kacanik on September 7, 1990.

The so-called "Kacanik Constitution" declared Kosovo a sovereign republic, separate from Serbia. The Federal Executive Council (FEC) of Yugoslavia declared the parallel "Kosovo Assembly" and its so-called "constitution" null and void.

The FEC issued a statement saying, "the secret meeting of citizens of Albanian nationality in Kacanik on 7th September, which has been presented to the public as a session of the Kosovo Assembly at which the so-called Constitution of Kosovo was adopted and the so-called Republic of Kosovo proclaimed, was

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<sup>591</sup> "SFRY Assembly Federal Chamber on Dissolution of Kosovo Assembly," *BBC Summary of World Broadcasts*, July 28, 1990

<sup>592</sup> Testimony of Vukasin Jokanovic (Speaker of the Kosovo parliament and member of the Kosovo presidency), Milosevic Trial Transcript, ICTY, December 1, 2004; Pg. 34072

<sup>593</sup> "ATA: A Million Kosovo Albanians Boycott Serbian Elections," *BBC Summary of World Broadcasts*, December 23, 1993; Source: Albanian Telegraph Agency news agency, Tirana, in English 0911 gmt 21 Dec 93

yet another anti-constitutional act and a direct attack on the territorial integrity of both Serbia and Yugoslavia.”<sup>594</sup>

Although there was no legal basis for the existence of the parallel assembly, and in spite of the fact that its constitution was totally illegal, Kosovo’s Albanian population generally viewed the work of the parallel “Kosovo Assembly” as legitimate.

In 1991 Kosovo’s Albanian clan leaders instructed the Albanian population to cut off all relations with Serbs, not to work with them or even talk to them.<sup>595</sup>

By and large, Kosovo’s ethnic Albanian population withdrew from political and economic life in the province. They established parallel Albanian institutions, which they financed through so-called “solidarity taxes” collected from ethnic Albanians living in Kosovo and abroad; generally these taxes amounted to an income tax of about 3%.<sup>596</sup>

The situation in Kosovo remained tense but relatively calm until the Kosovo Liberation Army (KLA) appeared on the scene in the mid-1990s.

## THE EMERGENCE OF THE KLA

The KLA is a Kosovo-Albanian terrorist organization that first appeared in 1996 when it claimed responsibility for a series of bomb attacks against refugee camps that were housing Serbian refugees from the wars in Croatia and Bosnia.<sup>597</sup>

The KLA’s activity was sporadic at first; there was a three-month delay between their first and their second round of attacks when they shot and killed an Albanian student and five Serbs, and then detonated a bomb killing one child and wounding three others.<sup>598</sup>

The KLA claimed Kosovo for Albanians and threatened further attacks unless its demands were met. In August 1996 the KLA issued a communiqué saying: “We would like to state clearly to the current Serbian political leadership that

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<sup>594</sup> “FEC Says Secret Kosovo Assembly Session Unconstitutional,” *BBC Summary of World Broadcasts*, September 20, 1990; Source: Yugoslav News Agency in Serbo-Croat 1245 gmt 18 Sep

<sup>595</sup> Testimony of Saban Fazliu (ethnic Albanian witness from Kosovo), Milosevic trial transcript, ICTY, August 18, 2005; Pg. 42797

<sup>596</sup> Testimony of Ibrahim Rugova (former president of Kosovo’s parallel Albanian government), Milosevic trial transcript, ICTY, May 3, 2002; Pg. 4199-4200

<sup>597</sup> “Unknown Albanian “Liberation Army” Claims Kosovo Attacks,” Agence France Presse - English, February 17, 1996

<sup>598</sup> “‘Liberation Army’ Claims Attacks in Kosovo,” Agence France Presse – English, May 2, 1996

they must withdraw from our territories as soon as possible, or our attacks to liberate the country will be fierce and merciless.”<sup>599</sup>

The KLA’s goal was to break Kosovo away from Serbia and unite it with Albania. During the Milosevic trial a video of the KLA’s oath-taking ceremony was played. The tape showed KLA commander Hajdin Abazi reading out the text of the KLA oath in which members pledged to fight to the death to unite Kosovo “and the other Albanian territories” with Albania.<sup>600</sup>

The KLA is a classic terrorist organization. Under American law, terrorism is defined as “the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”<sup>601</sup>

The United States has acknowledged the KLA is a terrorist organization. In 1998 Robert Gelbard, the US Special Envoy for Kosovo, told Agence France Presse: “The KLA is, without any questions, a terrorist group.”<sup>602</sup>

At first the KLA carried out a series of terrorist attacks, but it lacked the means to wage a full- scale war against Serbia— until a massive political and economic meltdown took place in Albania in 1997.

## THE COLLAPSE OF ALBANIA FLOODS KOSOVO WITH WEAPONS

During 1996-97, Albania was rocked by the dramatic rise and collapse of several huge financial pyramid schemes. At their peak, the nominal values of the pyramid schemes’ liabilities amounted to almost half of the country’s GDP. Many Albanians—about two-thirds of the population— invested in the schemes. When they collapsed, there was uncontained rioting, the government fell, and the country descended into anarchy and a near civil war in which some 2,000 people were killed. Several members of Albania’s army and police deserted, and one million weapons were looted from the country’s armories.<sup>603</sup>

The weapons flooded Kosovo and gave ethnic Albanian extremists, who already possessed the desire to wage a separatist war against Serbia, the means to do so.

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<sup>599</sup> “Kosovo ‘Liberation Army’ Claims Responsibility for Attacks on Serbian Police,” *BBC Summary of World Broadcasts*, August 12, 1996; Source: ‘Bota Sot’, Zurich, in Albanian 10 Aug 96

<sup>600</sup> Milosevic trial transcript, ICTY, June 21, 2005; Pg. 41249; See: June 21, 2005 trial video

<sup>601</sup> 28 C.F.R. Section 0.85

<sup>602</sup> “Washington Ready to Reward Belgrade for ‘Good Will’: Envoy,” Agence France Presse - English, February 23, 1998

<sup>603</sup> Christopher Jarvis, “The Rise and Fall of Albania’s Pyramid Schemes,” *Finance and Development: A quarterly magazine of the IMF* (Washington D.C.), March 2000; Vol. 37, No. 1

A UN study found that at least 200,000 Kalashnikov automatic assault weapons stolen from Albanian military armories wound up in the KLA arsenal. So many, in fact, that KLA operatives were themselves exporting guns to overseas black markets at the start of 1999.<sup>604</sup>

In 1998 a senior NATO official was quoted by Radio Free Europe saying that “the wholesale transfer of weapons to Kosovo” from Albania significantly contributed to the growth of violence in the province.<sup>605</sup>

According to Serb and Yugoslav authorities, Albanian terrorist attacks increased dramatically in late 1997 and early 1998 following the collapse of the Albanian government.

From January 1991 through December 1997, Serbian authorities recorded 131 Albanian terrorist attacks in Kosovo. These attacks resulted in the deaths of 13 police officers, 25 civilians, and in nine cases the Albanian terrorists who perpetrated the attacks were killed.<sup>606</sup>

Violence in Kosovo increased significantly once the stolen Albanian weapons began reaching the province. From January until August 1998, Serb authorities recorded 1,126 terrorist attacks. Police were targeted in 616 cases and civilians in 510. The attacks resulted in the deaths of 74 policemen, 81 civilians and in the wounding of an additional 282 policemen and 95 civilians.<sup>607</sup>

During the first eight months of 1998 there was an average of 140.75 terrorist attacks per month, compared to an average of 1.56 attacks per month over the previous six years.

In addition to perpetrating terrorist attacks, the KLA forcibly seized large swaths of Kosovo’s territory. By mid-1998 it was estimated that the KLA had seized control of 40 per cent of Kosovo.<sup>608</sup>

## THE ALBANIAN MAFIA AND THE KLA

The KLA operates on funds raised by the Albanian mafia.<sup>609</sup> In 1998 the Baltimore Sun, citing western intelligence sources, reported that “powerful Albani-

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<sup>604</sup> Frank Viviano, “KLA Linked To Enormous Heroin Trade - Police Suspect Drugs Helped Finance Revolt,” *The San Francisco Chronicle*, May 5, 1999

<sup>605</sup> “Southeastern Europe; NATO Concerned About Kosovo, Macedonia,” RFE/RL Newline, January 28, 1998; Vol. 2, No. 18, Part II

<sup>606</sup> “Serbian Official Speaks of Rise in Albanian ‘Terrorism’,” *BBC Summary of World Broadcasts*, December 20, 1997; Source: Source: Belgrade ‘Politika’ in Serbo-Croat 18 Dec 97

<sup>607</sup> Government of Yugoslavia, *Albanian Terrorism in Kosovo and Metohija*, 1999

<<http://www.gov.yu/terrorism/index.htm>>

<sup>608</sup> “Guerrillas Advance in Kosovo, Serbs Shell Border Region,” *The Associated Press*, July 18, 1998; See Also: “Rebels Say They Share Ethnic Albanian Leader’s Call for Independence,” *BBC Summary of World Broadcasts*, July 3, 1998; Source: Source: HINA news agency, Zagreb, in English 1418 gmt 1 Jul 98

an mafia organizations that deal in narcotics, prostitution and arms smuggling across Europe” finance the KLA.<sup>610</sup>

The London Times called the KLA “an outgrowth of the Kosovo Albanian mafia.” Their report said, “These Kosovan criminals operate the most powerful drug-running network in Europe.”<sup>611</sup>

According to police in the Czech Republic, Kosovo-Albanian drug traffickers fund the KLA with proceeds from the heroin trade. “Kosovo Albanian drug smugglers have become a major phenomenon,” said Jiri Komorous, head of the Czech Republic’s national narcotics police, adding that his heroin division “spends about 80 percent of its time” on Kosovo drug gangs.<sup>612</sup>

Interpol estimates that Kosovo Albanians may control 40 percent of the European heroin trade. In Germany, Austria, Switzerland, and the Czech Republic, they may have as much as 70 percent of the market, according to estimates.<sup>613</sup>

In addition to drug trafficking, the KLA finances itself by kidnapping women and young girls and forcing them into prostitution. During NATO’s 1999 bombardment of Yugoslavia the KLA robbed refugee families and forced refugee girls into prostitution. According to an account published in the London Times, “KLA gangsters rob [refugee families] of any remaining cash. And KLA pimps driving Mercedes kidnap refugee girls for prostitution in Italy.”<sup>614</sup>

The Albanian mafia’s involvement in prostitution is huge. In 2001 The Economist, citing an internal British Home Office briefing, reported that “Albanians or Kosovars now control ‘around 70%’ of massage parlors in Soho. That ties in with a report by the National Criminal Intelligence Service, which noted a long-term threat from organized Albanian gangs who run immigration and prostitution rackets across Western Europe to pursue their goals.”

The article says there is “little the police can do. They say that immigrant sex workers refuse to testify because the gangs threaten reprisals against the women’s loved ones. Since these groups operate internationally, the British police cannot protect the families of the workers.

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<sup>609</sup> “Albanian Mafia, This Is How It Helps The Kosovo Guerrilla Fighters,” *Corriere della Sera* (Milan, Italy), October 15, 1998

<sup>610</sup> “Speculation Plentiful, Facts Few About Kosovo Separatist Group,” *Baltimore Sun*, March 6, 1998

<sup>611</sup> “In spontaneously opening our hearts to these Kosovan refugees, we are opening our country to organised criminality,” *The Times* (London), May 6, 1999

<sup>612</sup> “A New Drug Route is Traced to the Old Balkans Anarchy,” *The Boston Globe*, June 3, 2001

<sup>613</sup> *Ibid.*

<sup>614</sup> “In spontaneously opening our hearts to these Kosovan refugees, we are opening our country to organised criminality,” *The Times* (London), May 6, 1999



They are powerless against such intimidation.”<sup>615</sup>

The Albanian mafia has become a worldwide criminal force. Its effects are felt as far away as the United States, where it is taking over organized crime.

The FBI says that thousands of Albanians who fled the Balkans for the United States have emerged as a serious organized crime problem, threatening to displace La Cosa Nostra (LCN) families as kingpins of US crime.<sup>616</sup>

In 2004 Chris Swecker, the head of the FBI’s criminal division, told the USA Today newspaper that Albanian gangsters have already seized control of some rackets from New York Mafia families.<sup>617</sup>

In 2010 the Council of Europe published the result of an inquiry that found that the leader of the KLA was the head of an international smuggling ring that trafficked human organs and weapons.<sup>618</sup>

The Council of Europe found that “Serbians and some Albanian Kosovars were held prisoner in secret places of detention under KLA control in northern Albania and were subjected to inhuman and degrading treatment, before ultimately disappearing.” They said, “organs were removed from some prisoners at a clinic in Albanian territory, near Fushë-Krujë, to be taken abroad for transplantation.”

The report explained that, “The testimonies on which we based our findings spoke credibly and consistently of a methodology by which all of the captives were killed, usually by a gunshot to the head, before being operated on to remove one or more of their organs. We learned that this was principally a trade in ‘cadaver kidneys’, i.e. the kidneys were extracted posthumously; it was not a set of advanced surgical procedures requiring controlled clinical conditions and, for example, the extensive use of anaesthetic.”

After the surgery, “the ringleaders of this criminal enterprise then shipped the human organs out of Albania and sold them to private overseas clinics as part of the international ‘black market’ of organ-trafficking for transplantation.”<sup>619</sup>

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<sup>615</sup> “Prostitution: SoHopeless; Albanian organised crime dominates prostitution in Soho,” *The Economist*, June 21, 2001

<sup>616</sup> “FBI: Albanian Mobsters ‘New Mafia’,” *CNN Online*, August 18, 2004  
<<http://www.cnn.com/2004/LAW/08/18/albanians.mob/index.html>>

<sup>617</sup> “Hunt For ‘Terrorism Nexus’ Changes How FBI Handles Crime,” *USA Today*, August 19, 2004

<sup>618</sup> Paul Lewis, “Kosovo PM is head of human organ and arms ring, Council of Europe reports,” *The Guardian (UK)*, December 10, 2010

<sup>619</sup> Dick Marty, “Inhuman treatment of people and illicit trafficking in human organs in Kosovo,” Council of Europe, 12 December 2010, <<http://assembly.coe.int/nw/xml/News/FeaturesManager-View-EN.asp?ID=964>>

## THE KLA LINKED TO INTERNATIONAL ISLAMIC TERRORISM

With weapons looted from Albanian armories and cash from the Albanian mafia, all the KLA needed was training, which it received from Islamic terror groups and the US defense contractor MPRI (Military Professional Resources, Inc.).

Prior to 9/11, the KLA received support from the notorious terrorist Osama bin Laden. In 1999 the Washington Times obtained intelligence documents that showed what it described as a “link” between bin Laden and the KLA - including a common staging area in Tropoje, Albania, a center for Islamic terrorists. The reports say that bin Laden’s al-Qaeda organization has both trained and financially supported the KLA.<sup>620</sup>

In 1998 Fatos Klosi, the head of SHIK (Albania’s intelligence service), told London’s Sunday Times newspaper that bin Laden had visited Albania. According to Klosi, al-Qaeda was one of several fundamentalist groups that had sent units to fight in Kosovo.<sup>621</sup>

In 2002 the US State Department issued a report designating Iran “the most active state sponsor of terrorism.” Their report said that Iran’s Islamic Revolutionary Guard Corps are involved in planning and support for terrorist acts and exhort a variety of groups that use terrorism to pursue their goals.<sup>622</sup>

The *Jerusalem Post* reported that Iranian Revolutionary Guardsmen trained the KLA. According to the newspaper, “Selected groups of Albanians were sent to Iran to study that country’s version of militant Islam ... millions of dollars have been funneled through Bosnia and Albania to buy arms for the KLA. The money is raised from both Islamic governments and from Islamic communities in Western Europe, particularly Germany.”<sup>623</sup>

Yossef Bodansky, the former Director of the US House Congressional Task Force on Terrorism and Unconventional Warfare, wrote a report for the magazine *Defense and Foreign Affairs Strategic Policy* saying that “In the Fall of 1997, the uppermost leadership in Tehran ordered the IRGC [Iranian Revolutionary Guards Corps] High Command to launch a major program for shipping large quantities of weapons and other military supplies to the Albanian clandestine organizations in Kosovo. [Ayatollah] Khamene’i’s instructions specifically stipulated that the comprehensive military assistance was aimed to enable the Muslims ‘to achieve the independence’ of the province of Kosovo.”

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<sup>620</sup> “KLA Rebels Train in Terrorist Camps: Bin Laden Offers Training Too,” *The Washington Times*, May 4, 1999

<sup>621</sup> “Bin Laden Opens European Terror Base in Albania,” *The Sunday Times* (London), November 29, 1998

<sup>622</sup> US Department of State, *Patterns of Global Terrorism - 2002*, April 30, 2003; FORM item 9

<sup>623</sup> “Kosovo Seen as New Islamic Bastion,” *Jerusalem Post*, September 14, 1998

Bodansky's article corroborates the *Jerusalem Post's* account. He wrote that in 1997 "the Iranians began sending promising Albanian [KLA] commanders for advanced military training in al-Quds [special] forces and IRGC camps in Iran."<sup>624</sup>

Islamic Mujahedin were spotted in the ranks of the KLA by foreign observers during the war. During the trial of Slobodan Milosevic, a German journalist named Franz Josef Hutsch, who had accepted an offer to accompany a KLA brigade in Kosovo during the war, was called to testify.

When asked whether he had seen any non-Albanian fighters in the KLA, he said: "In particular, there were officers of Arab origin. These officers were the forward air control officers, there was an American from MPRI who recruited these officers from the Mujahedin brigades of the Bosnian army as mercenaries, and they offered them a great deal of money. These officers were then trained in Turkey, and from spring 1998, from February in particular, they were sent to the KLA in Kosovo as forward air control officers. They had a very good training in English, and they were trained to organize air operations, air raids. Each brigade had one of these officers who were particularly well protected. During the war, these officers, were able to delegate further down the hierarchy of the battalion."<sup>625</sup>

## **NATO/US INTERFERENCE IN KOSOVO**

Slobodan Milosevic's "negotiating partner" was Bill Clinton's Balkan envoy Richard Holbrooke. On October 13, 1998 the "Milosevic-Holbrooke Agreement" was signed. Under the terms of the agreement, Yugoslav and Serbian security forces would be reduced and there was supposed to be a cease-fire between the KLA and government security forces.

The Milosevic-Holbrooke Agreement brought anything but peace to Kosovo. As soon as Yugoslav and Serbian forces stood down, the KLA moved in to take their place. On November 12, 1998 – one month after the adoption of the agreement – the UN Secretary-General issued a report on its implementation.

The report found that the Serbian side was complying with the cease-fire. It noted that "The army and police presence in Kosovo has been significantly reduced since early October. The presence and disposition of the remaining Government forces indicate a strategy based on containing pockets of resistance and on control of high ground and the main arterial routes in areas dominated by Kosovo Albanian paramilitary units. Tripwires and anti-personnel mines have reportedly been laid at the approaches to some police

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<sup>624</sup> Yossef Bodansky, "Italy Becomes Iran's New Base for Terrorist Operations," Defense and Foreign Affairs Strategic Policy (Washington D.C.), February 1998

<sup>625</sup> Testimony of Franz Josef Hutsch (German journalist embedded with the KLA), Milosevic trial transcript, ICTY, October 12, 2004; Pg. 32916

positions as an early warning measure. Since 27 October, there has been a continued withdrawal of the Serbian security forces from Kosovo and numerous checkpoints and fortified positions have been dismantled. The Serbian police retain control over key roads. Mobile police checkpoints have been established on major roads in some areas.”<sup>626</sup>

The KLA abused the cease-fire in order to expand its operations. The Secretary-General’s report found that: “Kosovo Albanian paramilitary units are asserting their own authority to supplant that of the Serbian police in areas from which the police have withdrawn, and have established their own checkpoints on a number of secondary roads ... Recent attacks by Kosovo Albanian paramilitary units have indicated their readiness, capability and intention to actively pursue the advantage gained by the partial withdrawal of the police and military formations. Reports of new weapons, ammunition and equipment indicate that the capacity of those units to re-supply themselves is still fairly good.”<sup>627</sup>

Shortly after the Kosovo War, the UN Office for the Coordination of Humanitarian Affairs issued a report stating that: “Serbia initially implemented the [Milosevic-Holbrooke] agreement and withdrew its forces accordingly. The KLA, by contrast, took advantage of the new situation and renewed military action. In fact, KLA forces moved in to take up positions vacated by the redeployed Serbian forces.”<sup>628</sup>

Whatever NATO and the American Government’s intentions were, the net result of their interference was to strengthen the KLA and escalate violence on the ground.

## **THE KOSOVO VERIFICATION MISSION**

Three days after Milosevic’s agreement with Holbrooke, on October 16, 1998, Yugoslavia accepted the presence of an Organization for Security and Cooperation in Europe (OSCE) monitoring mission known as the Kosovo Verification Mission (KVM).

The KVM reached approximately 1,500 international staff by February 1999. On March 20, 1999, four days before the start of NATO bombing raids against

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<sup>626</sup> Office of the UN Secretary-General, Kosovo: SG Report pursuant to Security Council resolutions 1160, 1199, 1203 (1998) S/1998/1068, November 12, 1998

<sup>627</sup> Ibid.

<sup>628</sup> UN Office for the Coordination of Humanitarian Affairs, The Kosovo Report; Executive Summary - Main Findings, 1999  
<<http://www.reliefweb.int/library/documents/thekosovoreport.htm>>

Yugoslavia, the OSCE commanding officer Norwegian FM Knut Vollebaek pulled the KVM out of the province.<sup>629</sup>

NATO spies infiltrated the ranks of the KVM to liaison with the KLA and plan the 1999 attack on Yugoslavia.

Roland Keith, a 32-year veteran of the Canadian Armed Forces who served as a field commander in the verification mission, testified during the Milosevic trial that the senior leadership of the KVM had “no real interest in rebuilding stability in Kosovo but probably had other political agendas”.<sup>630</sup>

Alice Mahon, a member of the NATO Parliamentary Assembly who spent a great deal of time in the region with members of the verification mission, testified that she had heard rumors and read reports that “the CIA had infiltrated the verification monitors in Kosovo.”<sup>631</sup>

A report in London’s Sunday Times newspaper said, “Central Intelligence Agency officers were ceasefire monitors in Kosovo in 1998 and 1999, developing ties with the KLA and giving American military training manuals and field advice on fighting the Yugoslav army and Serbian police”. The newspaper quoted sources inside the CIA saying that the KVM was “a CIA front”. One CIA agent-turned-KVM monitor said, “I’d tell [the KLA] which hill to avoid, which wood to go behind, that sort of thing.”<sup>632</sup>

During the Milosevic trial, a Yugoslav colonel who had eye-witnessed the activities of the KVM testified that: “The NATO Air Force had very precise [targeting] data which had been amassed in 1998 and 1999 precisely by members of the verifying commission. I came across them many times taking the coordinates of facilities and features and drawing maps of the communication network.”<sup>633</sup>

The head of the KVM was a man named William Walker who, as the US Ambassador to El Salvador during the late 80s and early 90s, already had a shady past and was suspected by many to be a CIA agent.

In 1989 the Catholic Church implicated Walker in the murder of five Jesuit priests in El Salvador. It accused his embassy of “concealing evidence, obstructing the investigation, pressuring judges to impede the trial process, and terrorizing witnesses.” Jesuit priest Fernando Guardia said that Walker was “a symbol of the destruction of life” while he was ambassador in El Salvador.<sup>634</sup>

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<sup>629</sup> OSCE, Kosovo Verification Mission, #3 Deployment; <<http://www.osce.org/item/22063.html>>

<sup>630</sup> Milosevic trial transcript, ICTY, September 14, 2004; Pg. 32760

<sup>631</sup> Milosevic trial transcript, ICTY, March 1, 2006; Pg. 49125

<sup>632</sup> “CIA Aided Kosovo Guerrilla Army,” Sunday Times (London), March 12, 2000

<sup>633</sup> Testimony of Col. Vlatko Vukovic (Yugoslav Army officer), Milosevic trial transcript, ICTY, October 27, 2005; Pg. 45858-45859

<sup>634</sup> “Panama: Jesuits Oppose US Ambassador Designate,” Inter Press Service, June 28, 1993

Throughout the 1980s, the US government provided billions of dollars of support to the Salvadoran military during a war that cost 70,000 lives.<sup>635</sup> According to human rights organizations, most of that killing was done by the Salvadoran military and most of the victims were unarmed civilians.<sup>636</sup>

Walker was also the Deputy Assistant Secretary of State for Central America from July 1985 until August 1988 during the Iran-Contra scandal.<sup>637</sup>

## RACAK

Walker lit the fuse on NATO's drive to bomb Yugoslavia when he accused Serbian police of massacring 40 Albanians in the Kosovo village of Racak.

Serbian authorities claim that, far from being a massacre, Racak was a legitimate anti-terrorist operation aimed at arresting members of the KLA responsible for the murder of a Serb policeman. They claim that the KLA fired on them when they entered the village and that they returned fire, killing several KLA terrorists in the process.

Walker said Racak was "an unspeakable atrocity" and "a crime very much against humanity", saying he did not "hesitate to accuse the [Serbian] government security forces of responsibility".<sup>638</sup>

US President Bill Clinton also accused Serbian forces. He said, "This was a deliberate and indiscriminate act of murder designed to sow fear among the people of Kosovo. It is a clear violation of the commitments the Serbian authorities have made to NATO."<sup>639</sup>

Racak is significant because it is the only war crime that The Hague Tribunal accused Serbian security forces of prior to NATO's 1999 attack on Yugoslavia – and it should be recalled that "stopping Serb war crimes" was NATO's justification for attacking Yugoslavia.

In a televised address to the nation, Clinton cited Racak as a key motivating factor for NATO's decision to attack. He said: "We should remember what happened in the village of Racak back in January - innocent men, women and children taken from their homes to a gully, forced to kneel in the dirt, sprayed with gunfire - not because of anything they had done, but because of who they were."<sup>640</sup>

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<sup>635</sup> "Clinton: Support for Guatemala Was Wrong," *The Washington Post*, March 11, 1999

<sup>636</sup> "The Jesuit Murders," CBS News "60 Minutes" transcript, March 21, 1993

<sup>637</sup> Testimony of William Walker, Milosevic trial transcript, ICTY, June 12, 2002; Pg. 6826

<sup>638</sup> "Villagers Slaughtered in Kosovo 'Atrocity'; Scores Dead in Bloodiest Spree of Conflict," *The Washington Post*, January 17, 1999

<sup>639</sup> "Focus-Firing as Serbs Enter Massacre Village," Reuters, January 17, 1999

<sup>640</sup> Press Conference: Statement on Kosovo & Racak, Reuters, March 19, 1999

While Clinton and Walker were busy pointing the finger at Serbian security forces, KVM verifiers on the ground had other information. Three days before the so-called “massacre”, the Kosovo Verification Mission issued an intelligence assessment saying that the KLA was expected to carry out murders of Albanians that they would falsely ascribe to Serbian forces.

On January 12, 1999, the KVM’s intelligence assessment stated: “It is assessed that the KLA shall intensify their activities in the area of Mitrovica, Urosevac, as well as on the Urosevac-Suva Reka-Stimlje route”, which is precisely where Racak is located. The intelligence estimate went on to say that “It is also expected that they will fabricate incidents, even murders of Albanians, to be ascribed to the MUP (Serbian Police) and the VJ (Yugoslav Army).”<sup>641</sup>

When the bodies were found on the morning of January 16th Walker was not interested in preserving the scene of the crime for an investigation. Instead of sealing off the scene so that forensic scientists could carry out a proper investigation, he brought in journalists and let them trample all over the crime scene.

One German journalist who was on the scene with Walker that morning said he “was marketing what happened” to the journalists. During his testimony at The Hague Tribunal the journalist said, “Something else which I noticed was that we could move freely between these bodies, and some of my colleagues actually rearranged these bodies so as to photograph them better, and Ambassador Walker did not try to prevent this from happening ... I thought that was a highly strange way of dealing with a crime scene, changing the bodies. And also, Mr. Walker had directed us to an area where, from a forensic point of view, we were actually destroying evidence.”<sup>642</sup>

Despite Clinton’s and Walker’s propensity for making inflammatory accusations about massacres, forensic autopsies were carried out on the bodies by an international team of scientists from Finland, Serbia, and Belarus in the presence of KVM observers.

The forensic autopsies revealed that for all of the corpses, “gunshot injuries were established to be the cause of death and only one case was suspected to be a close-range discharge.”<sup>643</sup> In other words, everybody died from gunshot wounds, but only one person was shot at close range.

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<sup>641</sup> Milosevic trial Prosecution exhibit 792, tab 4; ICTY ERN: 0139112; Record of consultations with Mr. Aleksandar Nikolaev of the Kosovo Verification Mission; January 12, 1999; See Also: Milosevic trial transcript, ICTY, January 23, 2006; Pg. 47411

<sup>642</sup> Testimony of Franz Josef Hutsch (German journalist embedded with the KLA), Milosevic trial transcript, ICTY, October 12, 2004; Pg. 32932-32935

<sup>643</sup> Finnish Journal of Clinical Forensic Medicine; quoted in Milosevic trial transcript, ICTY, April 8, 2005; Pg. 38188

The forensic scientists found bullet paths traveling through the bodies in various directions. There were injuries from the top to the bottom, from the bottom to the top, and laterally.<sup>644</sup>

Had these people been “forced to kneel in the dirt and sprayed with gunfire” as alleged by Bill Clinton, they should have all been shot at close range and the bullets should have all been coming from the same angle and direction - but they weren’t. These people were shot in a variety of different ways, from various angles, directions, and ranges.

There are also strong indications that the “victims” weren’t as “innocent” as Clinton said they were. Diphenylamine testing revealed that 37 out of the 40 bodies found in Racak had gunpowder residue on their hands. The location, concentration, and distribution of the particles showed these alleged “massacre victims” had been using firearms shortly before their death.<sup>645</sup>

The bodies found in Racak were wearing civilian clothes, but they were dressed to spend prolonged periods of time outside. Some were wearing gray woolen military trousers. Most of them had military boots. They had identical leather belts, and some were wearing two or three layers of clothing.<sup>646</sup>

In addition to the forensic evidence, witness statements presented to The Hague Tribunal during the Milosevic trial showed that 30 out of the 40 people found dead in Racak were known members of the KLA.<sup>647</sup>

A German journalist named Bo Adam went to Racak after the alleged massacre and the locals showed him the KLA cemetery in Malopoljce where several of the fighters who died in Racak were buried.<sup>648</sup>

The villagers also showed him a variety of locations around the village where people had been hit by gunfire, including a 13 year-old boy and a woman who had been hit by crossfire from a nearby hill, as well as a man who died in a fox-hole with his rifle. But nobody had witnessed any organized executions or a massacre.<sup>649</sup>

The Serbian forces that entered Racak that day also have multiple alibis. There were two teams of KVM verifiers and an Associated Press camera crew on site when Serbian police entered the village, and none of them saw a massacre.

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<sup>644</sup> Testimony of Prof. Slavisa Dobricanin (forensic expert), Milosevic trial transcript, ICTY, April 13, 2005; Pg. 38412

<sup>645</sup> Testimony of Prof. Slavisa Dobricanin (forensic expert), Milosevic trial transcript, ICTY, April 8, 2005; Pg. 38207-38208, 38213

<sup>646</sup> Testimony of Danica Marenkovic (investigating judge), Milosevic trial transcript, ICTY, 24 March 24, 2005; Pg. 37837

<sup>647</sup> Milosevic Trial Transcript, ICTY, April 26, 2005; Pg. 38777-38792

<sup>648</sup> Milosevic Trial Transcript, ICTY, January 26, 2005; Pg. 35751-35748

<sup>649</sup> Ibid.; Pg. 35731-35745



One of the KVM teams was even situated on a hill overlooking the gully where Walker found the bodies. They could see the gully and nobody could have carried out a massacre there without being seen.<sup>650</sup>

Additionally, the Serbian police let an Associated Press camera crew come to Racak with them to film the operation.<sup>651</sup>

The video filmed in Racak was exhibited at the Milosevic trial. On the videos one can see the Serbian police entering the village while the KVM's bright orange vans are seen standing watch on the hills overlooking the village. You can also see that the Serbian police were pinned down under KLA fire in the village. The videos show two-way combat between the KLA and the Serbian police as well as an extensive network of trenches, bunkers, and arms caches that the KLA had built in and around Racak.<sup>652</sup>

When the Serbian police left the village on the evening of January 15th, the KLA rounded up its casualties, took away their weapons, and piled their corpses in the gully to create the appearance of a "massacre" so that William Walker could come back the next morning with a bunch of journalists who would tell the world that there had been a massacre and the Serbs were responsible.

Walker was spotted by a Serbian police patrol entering Racak in a white jeep at about 9:00 PM the night before they entered the village.<sup>653</sup>

Walker knew the Albanians were planning to fabricate "Serbian crimes", and he knew the Serbian police were about to carry out a raid against the KLA in Racak. One could easily speculate that the purpose of his visit the night before was to go over the plan with the KLA.

## **NATO SUPPORT FOR THE KLA**

NATO and the United States intervened in Kosovo on behalf of the KLA terrorists. According to a report published by US Special Operations Command headquartered at MacDill Air Force Base, "A massacre attributed to Yugoslav forces triggered a NATO intervention in support of the [KLA] insurgents. United States forces joined those of 13 other nations in the NATO effort, an unrelenting bombing campaign against the Serbian army and infrastructure called Operation Allied Force" which the authors of the report describe as "a clear victory for NATO and the KLA."

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<sup>650</sup> Milosevic trial transcript, ICTY, September 30, 2005; Pg. 44953-44954

<sup>651</sup> Peter Worthington, "The Hoax that Started a War How the US, NATO and the Western Media Were Conned in Kosovo," The Toronto Sun, April 2, 2001

<sup>652</sup> Videos shown at the Milosevic Trial during the testimony of Danica Marenkovic: March 23, 2005 - April 7, 2005

<sup>653</sup> Milosevic trial transcript, ICTY, September 30, 2005; Pg. 44955

They explain that because, “No NATO member wished to accept the risks associated with a commitment of ground forces, the CIA reportedly provided funds, training, and supplies to the KLA during the conflict”. [Will Irvin, "Support to Resistance: Strategic Purpose and Effectiveness," The JSOU Press MacDill Air Force Base, JSOU Report 19-2, 2019, pg. 156]

#### THE ULTIMATUM AT RAMBOUILLET

Racak was used to galvanize Western public opinion against the Serbs ahead of a summit meeting in Rambouillet, France.

The meetings in Rambouillet were portrayed as “peace negotiations” by the Western media. Serbia was portrayed as belligerent and NATO was portrayed as the virtuous peacemaker selflessly trying to stop the fighting.

The reality was the opposite. NATO was negotiating in bad faith, and it had been drawing up its war plans since June 1998 - six months before the fake massacre in Racak, and four months before the Milosevic-Holbrooke agreement.

Below is testimony from NATO Supreme Allied Commander Gen. Wesley Clark to the US Senate Armed Services Committee:

Mr. Chairman, we began the planning process for Operation Allied Force (the NATO attack on Yugoslavia) in June of 1998. At this time we looked at a full series of air and ground options, including the phased air campaign which was ultimately implemented as well as a number of variants on ground campaigns, including forced entry campaigns into Kosovo and as well into Yugoslavia.

The consensus emerged in the late summer that there needed to be a limited air option.

In October when the NATO activation order was issued, we had the plan for the limited air option, we had the plan for the phased air operation. Both of these plans were put into motion, the resources were provided, and they were used to secure the agreement that was achieved in October by Mr. Holbrooke and subsequently the promises that President Milosevic made to NATO. Those plans remained in place, the activation order remained in place, and it was subsequently incorporated as a threat into the Rambouillet process.

So in broad terms, the planning was done many months before the failure of the Rambouillet process.<sup>654</sup>

Rambouillet was political theater, and although it was portrayed as “last-ditch peace negotiations”, it was really a NATO ultimatum to Serbia.

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<sup>654</sup> Testimony of NATO Supreme Allied Commander Wesley Clark, US Senate Armed Services Committee, July 1, 1999; Washington D.C.: SU Doc# Y 4.AR 5/3:S/HRG.106-794

There were no “negotiations” at Rambouillet. A document called the “Rambouillet Accords” [alternately Rambouillet Agreement, or Interim Agreement for Peace and Self-Government in Kosovo] was put to the Serbs and an ultimatum was issued – sign this or else we’ll attack you.

Madeleine Albright, the US Secretary of State, made no secret of America’s position. She said point-blank: “If the talks crater because the Serbs do not say yes, we will have bombing. If the talks crater because the Albanians have not said yes, we will not be able to support them.”<sup>655</sup>

There were several unreasonable provisions in the Rambouillet Accords that no country could have accepted. For example, they would have allowed NATO personnel to commit crimes in Yugoslavia with impunity, as demonstrated by the following excerpts from the so-called “peace plan”:

Section 6a, Appendix B. “NATO shall be immune from all legal process, whether civil, administrative, or criminal.”

Section 6b, Appendix B. “NATO personnel, under all circumstances and at all times, shall be immune from the Parties, jurisdiction in respect of any civil, administrative, criminal or disciplinary offenses which may be committed by them in the FRY (Federal Republic of Yugoslavia).”

Section 7, Appendix B. “NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY.”

Under the terms of the Rambouillet Accords, NATO could have occupied the whole of Yugoslavia (not just Kosovo), and Yugoslavia would be obligated to offer its entire infrastructure to NATO free of charge:

Section 8, Appendix B. “NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet and utilization of any areas or facilities as required for support, training, and operations.”

Section 11, Appendix B. “NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use.”

The Rambouillet Accords would also have given NATO the right to take over any radio or television station whenever it wanted.

Section 15, Appendix B. “The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Opera-

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<sup>655</sup> US Department of State, Secretary of State Madeleine K. Albright; Press availability on the Kosovo Peace Talks, (Rambouillet, France) February 21, 1999; As released by the Office of the Spokesman, Paris, France

tion, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate and the right to use all of the electromagnetic spectrum for this purpose, free of cost.”

Under the terms of the Rambouillet Accords, the Chief of the Implementation Mission (CIM), appointed by the European Union, and the NATO Kosovo Force (KFOR) commander would have dictatorial powers over civilian and military matters.

Chapter 5, Article V. “The CIM shall be the final authority in theater regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons.”

Chapter 7, Article XV. “The KFOR commander is the final authority in theater regarding interpretation of this Chapter (referring to military matters) and his determinations are binding on all Parties and persons.”

Of course, Yugoslavia couldn’t sign this document, so NATO made good on Albright’s threat and started bombing on the evening of March 24, 1999.

New York Times journalist David Binder quoted Albright boasting that she had “deliberately set the bar too high for the Serbs” to comply at Rambouillet because “they need a few bombs.”<sup>656</sup>

Rambouillet was political theater designed to put the onus on Yugoslavia for failing to achieve a peaceful resolution to the Kosovo crisis. By setting the Serbs up to reject a bogus “peace agreement”, NATO could carry out its planned assault on Yugoslavia while Javier Solana (NATO’s Secretary-General) claimed that “All efforts to achieve a negotiated political solution to the Kosovo crisis have failed, and no alternative is open but to take military action.”<sup>657</sup>

Even the ICTY has called the sincerity of NATO into question. Judges in the Sainovic conceded that “The Chamber is of the view that the FRY/Serbian delegation went to Rambouillet genuinely in search of a solution.”<sup>658</sup>

By contrast, “the international negotiators did not take an entirely even-handed approach to the respective positions of the parties and tended to favour the Kosovo Albanians.” The judgment went on to explain that “President Clinton stated that the provision for allowing a referendum for the Albanians in Kosovo went too far and that, if he were in the shoes of Milošević, he probably would not have signed the [Rambouillet] draft agreement either.

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<sup>656</sup> David Binder, “A Balkan Balance Sheet,” *Mediterranean Quarterly* (Duke University Press), Winter 2000; See Also: Speech by foreign policy analyst Jim Jatras at the CATO Institute conference, May 18, 1999;

See Also: George Kinney, “Rolling Thunder: The Rerun,” *The Nation*, June 14, 1999

<sup>657</sup> “US Prepares for Attack on Serbs; Clinton: ‘We Have to Take a Stand’,” *Chicago Sun-Times*, March 24, 1999

<sup>658</sup> *Šainović et al. Judgment*, Vol. 1, 26 February 2009, para 407

Although President Clinton initially referred to the intervention of NATO in terms of responding to a humanitarian crisis, he also said that the issues that led to the bombing no longer mattered and that the main issues, which ensured the bombing would continue indefinitely, were that the credibility of the U.S. was at stake, the credibility of NATO was at stake, and his personal credibility as President of the United States was at stake.”<sup>659</sup>

On March 24, 1999 - within 15 minutes of the announcement from NATO headquarters that air strikes had begun - Bill Clinton went on television to justify the attack to the American public.

Speaking from the podium in the White House briefing room, Clinton said that NATO forces had intervened to prevent a catastrophe in Kosovo. “If we do not act,” Clinton said, “clearly it will get even worse. Only firmness now can prevent greater catastrophe later.”<sup>660</sup>

Clinton could not have been more disingenuous. NATO’s intervention in Kosovo did not avert a catastrophe; it caused a full-blown international incident and a humanitarian crisis.

The UN Office for the Coordination of Humanitarian Affairs described the Kosovo conflict before NATO’s involvement thusly: “In the first phase of the conflict from February 1998 to March 1999, casualties were relatively low: around 1,000 civilians were killed up to September although the evidence is uncertain; the number of victims between September and March is unknown but must be lower.”<sup>661</sup>

The day before NATO started bombing Kosovo, the conflict had displaced approximately 69,500 people. After 78 days of NATO’s “humanitarian” bombing there were 862,979 refugees.<sup>662</sup> There were 12 times as many refugees after the NATO bombing as there were before.

## **ETHNIC CLEANSING CLAIMS DEBUNKED**

The initial justification for NATO’s attack on Yugoslavia was Milosevic’s refusal to agree to the ultimatum at Rambouillet, but that story soon changed.

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<sup>659</sup> Ibid., para 410-411

<sup>660</sup> “Serbia Offensive: Clinton Acts to Avert a ‘Catastrophe’; Washington,” *The Independent* (London), March 25, 1999

<sup>661</sup> UN Office for the Coordination of Humanitarian Affairs, *The Kosovo Report*; Executive Summary - Main Findings, 1999; <<http://www.reliefweb.int/library/documents/thekosovoreport.htm>>

<sup>662</sup> Numbers of refugees displaced from Kosovo 23 March - 9 June 1999; UNHCR, Geneva, October 15, 1999; See Also: OSCE Kosovo Verification Mission, “Kosovo/Kosova: As Seen As Told,” 1999; Table published in Chapter 14

Proponents of NATO's war began citing the mass exodus of refugees from Kosovo as proof that the Serbs were carrying out an "ethnic cleansing" campaign against the province's ethnic Albanians.

By the last day of the NATO bombing, the UN Refugee Agency (UNHCR) had registered a total of 862,979 Kosovo refugees. But since Kosovo is a Serbian province, refugees who fled to other parts of Yugoslavia were classified as internally displaced persons (IDPs), rather than refugees.

The UNHCR noted that in addition to the 862,979 official refugees, "more than 100,000 Serb IDPs are estimated to have left Kosovo and to have been registered in Serbia and Montenegro."<sup>663</sup> *The Washington Post* reported similar numbers during the bombing, noting that "100,000 Serbian civilians have left Kosovo since the NATO air campaign began March 24th."<sup>664</sup>

The ethnicity of the persons displaced from Kosovo does not point to an ethnic cleansing campaign against the province's ethnic Albanians; it goes to show a general exodus of the population.

If the refugee exodus had been the result of Serbian ethnic cleansing against the Albanians, there would have been a disproportionately large number of Albanian refugees, but there wasn't. Although it may have appeared that way because the Albanian refugees were segregated from the non-Albanian refugees in Macedonia after they tried to lynch displaced Roma refugees.<sup>665</sup>

The ethnicity of persons displaced from Kosovo until the end of the NATO bombing on June 10, 1999 breaks down as follows: Serbs at 6.3% of Kosovo's population comprised at least 10.3% of the persons displaced from the province, and ethnic Albanians at 89.9% of the population comprised at most 89.6% of the people displaced.<sup>666</sup>

The numbers in the paragraph above are skewed to maximize the percentage of displaced Albanians and minimize the percentage of displaced Serbs. It is assumed that each of the 862,979 refugees registered by the UNHCR was ethnic Albanian, which isn't the case. But even when you inflate the percentage of Albanian refugees as high as it can go, it's still proportionally smaller than their share of Kosovo's population.

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<sup>663</sup> Ibid.

<sup>664</sup> "Refugees Want Kosovo Free of Serbs; Prospect of Revenge Complicates Return," *The Washington Post*, June 6, 1999

<sup>665</sup> Testimony of Goran Stojcik (Macedonian paramedic in the Kosovo refugee camps), Milosevic trial transcript, ICTY, March 1, 2005; Pg. 36923 - 36925

<sup>666</sup> 100,000 Serbian IDPs is 10.3% of 962,979 total displaced persons and 862,979 refugees is 89.6%. Ethnic breakdown of Kosovo's population estimated as 89.9% Albanian and 6.3% Serb by Dr. Hivzi Ismaili (ethnic Albanian demographer) in 1995.

People left Kosovo because there was ground combat between the KLA and Serbian security forces, and because NATO was dropping bombs all over the place. Kosovo wasn't safe, so people left.

## **KOSOVO DEATH TOLL INFLATED TO JUSTIFY NATO ATTACK**

Just as they did in Bosnia, Western journalists and government officials inflated the death toll in Kosovo to justify the NATO military aggression against Serbia on "humanitarian" grounds.

Less than one week after NATO began its attack on Yugoslavia, US State Department spokesman James Rubin said, "There are indicators that genocide is unfolding in Kosovo."<sup>667</sup>

Addressing military personnel and veterans at the National Defense University, President Clinton compared Kosovo to Germany's Holocaust against the Jews. He said the alleged persecution of Kosovo's Albanians, like "the ethnic extermination of the Holocaust", was a "vicious, premeditated, systematic oppression fueled by religious and ethnic hatred."<sup>668</sup>

On CBS's "Face the Nation", US Defense Secretary William Cohen claimed, "We've now seen about 100,000 military-aged men missing...they may have been murdered."<sup>669</sup>

On April 19, 1999 the State Department claimed that as many as 500,000 Kosovo Albanians were missing and feared dead.<sup>670</sup>

With the president comparing Kosovo to the Holocaust and the State Department talking about "genocide" and possibly half a million dead, rational discussion was all but impossible. If anyone opposed the war, it would appear that they were supporting genocide.

When the war ended, the actual number of missing persons turned out to be nowhere close to the 100,000 to 500,000 alleged by NATO officials.

According to the International Red Cross and the UN Mission in Kosovo, a total of 5,206 people were reported missing from the 1998-99 conflict.<sup>671</sup>

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<sup>667</sup> "NATO Battle to End Massacres Putting Pressure on Serb Forces," Daily News (New York), March 30, 1999

<sup>668</sup> Transcript of President Clinton's Speech to the Veterans of Foreign Wars; May 13, 1999

<sup>669</sup> "Cohen Fears 100,000 Kosovo Men Killed by Serbs," *The Washington Post*, May 16, 1999

<sup>670</sup> "Up to 500,000 Unaccounted for in Kosovo; Missing Men Feared Dead, US Reports," *The Boston Globe*, April 20, 1999; See Also: "Early Count Hints at Fewer Kosovo Deaths," *The New York Times*, November 11, 1999

<sup>671</sup> UNMIK Press Release: UNMIK/PR/1613, In Search of the Missing (UNMIK Countdown #4), December 6, 2006

Out of the total number of 5,206 persons who were reported missing in Kosovo, the remains of 1,911 were found and pronounced dead by the UN Mission in Kosovo. The International Red Cross found 1,145 of the missing persons alive. As of December 6, 2006, the fate of 2,150 missing persons was still unknown.<sup>672</sup>

In addition to the fact that the number of missing persons was far smaller than what had been alleged by NATO, there is the fact that a proportionately greater number of Serbs went missing.

According to figures released by the International Red Cross, anywhere from 7.6% to 9.6% of all missing persons were Serbs, and since Serbs accounted for about 6.3% of Kosovo's pre-war population a Serb was just as likely to go missing as anybody else.<sup>673</sup>

After the war ended, NATO officials forgot about the claims they had made about 100,000 to 500,000 Kosovo Albanians "missing and feared dead". Six months after the war ended, the State Department estimated that the final Kosovo death toll was "probably around 10,000".<sup>674</sup>

That figure isn't based on research. State Department spokesman James Rubin said, "The State Department is not on the ground trying to answer that question ... Whether it will be 10,000 or 12,000 or 8,000 is anybody's guess."<sup>675</sup>

Ten thousand, while 90 to 98% lower than their previous estimates, is still too high of a number, because it exceeds the number of confirmed deaths added to the number of missing.

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<sup>672</sup> Ibid.: See Also; "3,000 missing in Kosovo," BBC Online, June 7, 2000

<<http://news.bbc.co.uk/1/hi/world/europe/781310.stm>>; Explanation: According to the BBC, "the ICRC has succeeded in tracing more than 1,000 missing Kosovo Albanians, who were found in Serbian prisons." UNMIK's 2006 account of Kosovo's missing confirms 1,911 deaths and lists another 2,150 persons as still missing. UNMIK's account does not elucidate the fate of the remaining 1,145 persons; it is surmised that these are the "more than 1,000" Kosovo-Albanians reportedly found by the ICRC in prison.

<sup>673</sup> "Kosovo marks Missing Persons Day," Beta News Agency (Belgrade), April 27, 2007; See Also: British Broadcasting Corporation website; 3,000 missing in Kosovo; Wednesday, 7 June, 2000, 14:07 GMT 15:07 UK; "3,000 missing in Kosovo," BBC Online, June 7, 2000

<<http://news.bbc.co.uk/1/hi/world/europe/781310.stm>>; Explanation: From the Beta News Agency: "The fate of 2,087 persons, including 1,300 Albanians, 500 Serbs and 200 members of other minorities, who went missing in Kosovo in 1998-1999, is still unknown."; Explanation: From the BBC: "More than 3,000 people remain unaccounted for in the wake of the Kosovo conflict, according to a document published by the International Committee of the Red Cross. The ICRC says the majority of the missing 3,368 people are men, mostly from the Kosovo Albanian community - though some Serbs and Roma are also still unaccounted for. Missing are 2,500 Albanians, 400 Serbs, and 100 Roma"

<sup>674</sup> US State Department, *Ethnic Cleansing in Kosovo: An Accounting*, December 1999

<sup>675</sup> "State Department Briefing; Briefer: James P. Rubin," Federal News Service (Washington D.C.), November 12, 1999



Based on “interviews with victims and witnesses”, Human Rights Watch has claimed that Serbian forces killed 3,453 persons in Kosovo during the war. The quality of this information is doubtful. According to the HRW’s data, its witnesses could only identify 27 percent of the victims by name, and in one-third of cases its witness couldn’t even identify the gender of the alleged victim.<sup>676</sup>

More than one year after the end of the conflict, The Hague Tribunal’s spokesman Paul Risley said: “The final number of bodies uncovered [in Kosovo] will be less than 10,000 and probably more accurately determined as between 2,000 and 3,000.”<sup>677</sup>

As it turned out, war crimes investigators exhumed a total of 2,788 bodies from graves in Kosovo<sup>678</sup> and of that only about 850 were thought to be victims of war crimes.<sup>679</sup>

If a guess had to be hazarded as to the actual number of lives claimed by the Kosovo war, it would probably be about 5,500 people.

Human Rights Watch has names for 916 victims<sup>680</sup>, which means that these people were probably never reported missing, because their fate was already known. We can assume that the remaining 2,537 victims whose identity was not known to HRW were reported missing by their friends or families.

We know that war crimes investigators exhumed 2,788 bodies, and we know that the remains of 1,911 missing persons have been found and identified, which leaves a balance of 877 exhumed bodies that were never reported missing.

When the 916 victims identified by HRW are added to the 877 exhumed bodies that weren’t reported missing the result is a total of 1,793 victims who were never reported missing. Add that to the 4,061 missing persons and you get a maximum total of 5,854 people who lost their lives in the war.

And since there is the possibility that the same victims reported to HRW were subsequently exhumed by war crimes investigators, there is the possibility of counting the same person twice, which is why the fairest estimate of the actual number of lives claimed by the conflict should be somewhere around 5,500, including Serbs and other non-Albanian minorities.

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<sup>676</sup> Under Orders (Human Rights Watch, 2001); Chapter 15: Statistical Analysis of Violations

<sup>677</sup> “Kosovo Death Toll ‘Exaggerated’ Say Experts,” Evening News (Edinburgh, Scotland), August 18, 2000

<sup>678</sup> “Serb Killings ‘Exaggerated’ by West Claims of up to 100,000 ethnic Albanians Massacred in Kosovo Revised to Under 3,000 as Exhumations Near End,” The Guardian (UK), August 18, 2000

<sup>679</sup> “Top UN Official in Kosovo Sparks Storm Over Mass Grave Body Count,” Agence France Presse - English, August 3, 1999

<sup>680</sup> Under Orders (Human Rights Watch, 2001); Chapter 15: Statistical Analysis of Violations

While every death is a tragedy, determining the true number of lives claimed by this war is of particular importance because NATO justified its attack by portraying Kosovo as a premeditated genocide in which the Serbs were waging a widespread and systematic campaign of mass murder against the Kosovo Albanians.

The fact that the actual number of victims was far lower than what had been alleged calls the legitimacy of NATO's "humanitarian" intervention into serious doubt.

Attacking a sovereign nation without authorization from the UN Security Council is a violation of international law, and from March 24 until June 10, 1999, that was exactly what NATO did. NATO exaggerated the Kosovo death toll because it needed a "new Holocaust" to justify its illegal attack on Yugoslavia.

Wesley Clark, the NATO general who oversaw the attack, openly admits that the Kosovo war was "technically illegal". He told the *New Yorker* magazine that, "The Russians and the Chinese said they would both veto it. There was never a chance that it would be authorized [by the Security Council]."<sup>681</sup>

## THE WESTERN MEDIA'S COMPLICITY IN NATO'S WAR

NATO had no propagandist more willing than the Western press corps. NATO press briefings and the claims of sobbing Albanian refugees were reported uncritically in order to incite hatred against Serbia ahead of the NATO attack.

Commenting on the coverage he had seen in the Western media, Dietmar Hartwig, the chief of the European Union Monitoring Mission (EUMM) in Kosovo, said, "I didn't think it had anything to do with reality. [The] reporting was always very one-sided. There was only one perpetrator and always one victim."<sup>682</sup>

While the Western media painted Serbs as aggressors and Albanians as innocent victims, the reality was 180 degrees opposite. Hartwig had several teams of EUMM observers stationed throughout Kosovo and reporting to him from 1998 until NATO attacked in March 1999. When asked whether he had any information about Serb forces provoking fighting in the province he said, "I know of no conflict that was initiated, and I did not receive any reports, and I myself had seen nothing or heard anything." He added, "Certainly there were no incidents that had been provoked by the [Serb] police."<sup>683</sup>

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<sup>681</sup> Peter J. Boyer, "General Clark's Battles; The Candidate's Celebrated-and Controversial-military Career," *The New Yorker*, November 17, 2003

<sup>682</sup> Testimony of Dietmar Hartwig (Chief of EU Monitoring Mission in Kosovo), Milosevic trial transcript, ICTY, March 2, 2005; Pg. 36991-36992

<sup>683</sup> *Ibid.*; Pg. 37032, 37036

According to all of the information at the EUMM's disposal, Serbian security forces never deliberately targeted civilians. On the contrary, Hartwig testified that Serb security forces tried to "ensure that every kind of attention" was paid to avoiding acts that would "lead to a worsening of the Serbian reputation."<sup>684</sup>

Hartwig was an active duty officer in the German military, which participated in the NATO attack on Yugoslavia. There is no conceivable reason why he or the European Union's Monitoring Mission would cover for the Serbs; on the contrary, most EU countries are members of NATO, so the EU would have a greater motive to accuse the Serbs than defend them.

While the EUMM found that Serbian security forces behaved in a responsible manner and only used force in response to KLA attacks, the Western media painted these same Serbian security forces as genocidal monsters intent on exterminating the helpless Albanian population of Kosovo.

The American news channel CNN was particularly unprofessional in its reporting. In 1998 CNN's chief international correspondent Christiane Amanpour married James Rubin, the US State Department's spokesman during the Kosovo war.<sup>685</sup>

Ms. Amanpour's conflict of interest couldn't be more obvious. If she had information that contradicted the official statements her husband was making at the State Department, could she be trusted to relay that information to the public?

If CNN's senior management had any ethics, they would have reassigned her or at least told viewers about the wedding.<sup>686</sup>

In addition to its chief international correspondent being married to the State Department's spokesman, CNN had US Army psychological operations specialists working in its newsroom.

Major Thomas Collins of the US Army Information Service told the Dutch newspaper Trouw that personnel from the Fourth Psychological Operations Group based at Fort Bragg "worked as regular employees of CNN. Conceivably, they would have worked on stories during the Kosovo war. They helped in the production of news."<sup>687</sup>

CNN's Kosovo reporting was deliberately misleading. Goran Stojcik, a Macedonian ambulance driver who worked in the refugee camp near the Donje Blace border crossing during the Kosovo war testified under oath at The Hague

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<sup>684</sup> Ibid.; Pg. 37037-37038

<sup>685</sup> "Search for Survivors Continues After Kenyan Bomb Blast," Deutsche Presse-Agentur, August 7, 1998

<sup>686</sup> Lexis-Nexis search of August 1998 CNN transcripts yielded no mention of the Rubin - Amanpour wedding

<sup>687</sup> "US Army 'Psyops' Specialists worked for CNN," Trouw (Holland), 21 February 2000

Tribunal that he had eye-witnessed CNN camera crews staging fake news footage.

He saw CNN crews provoking refugee children to cry by throwing them into the mud, and he saw CNN camera crews coaching the refugees how to act in front of the cameras. In one instance, he said that his colleague's medical supplies were stolen so that a perfectly healthy man could be wrapped in bandages and placed on a stretcher to be portrayed as wounded in front of the TV cameras.<sup>688</sup>

Stojcik identified Christiane Amanpour as the CNN reporter on the scene. He said, "CNN was the most prominent in stage managing things that were to be filmed".<sup>689</sup>

While Rubin was at the State Department telling the world that "genocide" was unfolding in Kosovo,<sup>690</sup> his wife was in the refugee camps where CNN was staging fake news footage appearing to corroborate his assertions.

CNN may also be complicit in the killing of 16 employees of Radio-Television Serbia and the attempted assassination of former Serbia's Information Minister when NATO warplanes bombed Radio-Television Serbia's (RTS) Belgrade studios.

NATO Commander Gen. Wesley Clark told reporters: "I personally called the CNN reporter and had it set up so that it would be leaked [that RTS would be bombed]".<sup>691</sup>

If Clark leaked information, CNN never forwarded it to the doomed staff of RTS. Less than 24 hours before the attack, CNN producer Dheepa Pandian arranged for Serbian Information Minister Aleksandar Vucic to be interviewed on CNN's "Larry King Live" program via satellite. She asked him to be at the RTS studios in Belgrade at 2:30 AM on the morning of April 23 for a 3:00 AM interview.<sup>692</sup>

NATO bombed the Belgrade RTS studios from 2:06 AM until 2:20 AM on April 23rd. Vucic was on his way to the studio for the interview when it was hit. If he had been a few minutes early he could have been killed along with everyone else.

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<sup>688</sup> Milosevic trial transcript, ICTY, March 1, 2005; Pg. 36918-36922, 36927-36928

<sup>689</sup> Ibid.; Pg. 36919, 36927-36928

<sup>690</sup> "NATO Battle to End Massacres Putting Pressure on Serb Forces," Daily News (New York), March 30, 1999

<sup>691</sup> "Exclusive: Democracy Now! Confronts Wesley Clark Over His Bombing Of Civilians, Use Of Cluster Bombs And Depleted Uranium And The Bombing Of Serb Television," Democracy Now!, January 26, 2004;

<<http://www.democracynow.org/article.pl?sid=04/01/26/1632224>>

<sup>692</sup> See April 22, 1999 fax from CNN in Appendix V

In addition to Gen. Clark's assertion that he leaked the information, there are other indications that CNN knew the attack was coming. Three days before the attack, CNN moved its crew out of the RTS building and began working from the Hyatt Hotel instead.<sup>693</sup>

It appears that CNN got its people out of the building and left everybody else to die, and worse than that they instructed people to go to the building after Gen. Clark had warned them it was about to be bombed. CNN wasn't the only media outlet to mislead the public, but its conduct seems to be the most malicious.

Other media outlets misled the public by uncritically reporting every outlandish claim the Kosovo Albanians could come up with. The media was duped, or misreported the facts, on several occasions. There were reports of a concentration camp at the Pristina soccer stadium that were later debunked.

In another example, Canadian television reporter Nancy Durham did a critically acclaimed report about a Kosovo-Albanian girl named Rajmonda Rreci who said that Serbian troops had murdered her six-year-old sister, but when Durham returned several weeks later to do a follow-up story, she found the "murdered" girl alive and well in the Rreci family's home.<sup>694</sup>

NPR reported that the bodies of up to 1,500 Kosovo-Albanian civilians had been burned in a wartime crematorium set up by the Serbs at the Trepca mining complex in an apparent effort to conceal evidence of mass killings.<sup>695</sup>

Stories of the Nazi-like body-disposal facility were debunked when war crimes investigators sent a French Gendarmerie team down the mine to search for bodies. They found none.

Another team analyzed ashes in the furnace. They found no teeth or other signs of burnt bodies. After the fruitless search an official at The Hague Tribunal told the Wall Street Journal: "We don't see any need to do [a] further investigation at this point".<sup>696</sup>

The media should have known better than to uncritically report every outlandish story it was fed, because it was known that the Albanians were under immense pressure from the KLA to lie.

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<sup>693</sup> "Balkan Crisis Report - The Television War," IWPR, April 29, 1999;  
<[http://iwpr.net/?p=bcr&s=f&o=246406&apc\\_state=henibcr1999](http://iwpr.net/?p=bcr&s=f&o=246406&apc_state=henibcr1999)>

<sup>694</sup> "Conned in Kosovo: A CBC Reporter's Dilemma How to Respond When a Tale of Atrocity Isn't True?," *Christian Science Monitor* (Boston), September 13, 1999

<sup>695</sup> "Burning the Evidence of Kosovo War Crimes," National Public Radio, All Things Considered (Transcript), January 25, 2001

<sup>696</sup> Daniel Pearl and Robert Block, "Despite Tales, the War in Kosovo Was Savage, but Wasn't Genocide," *The Wall Street Journal*, December 31, 1999

During the war the London Times was the rare exception, reporting that: "Reports from Macedonia and Albania confirm that KLA 'minders' ensure that all refugees peddle the same line when speaking to Western journalists."<sup>697</sup>

Chief war crimes prosecutor Carla del Ponte told the Kosovo-Albanian press, "You cannot imagine what kind of problems we are having in the investigations into KLA leaders in Kosovo. There is huge intimidation of witnesses in Kosovo, and now they do not want to cooperate with us. We are not receiving any assistance, either from the international community in Kosovo or from local authorities."<sup>698</sup>

Albanians considered "traitors" by the KLA were murdered. Cerim Ismaili was the secretary of the Democratic Initiative of Kosovo, an ethnic Albanian political party allied with Slobodan Milosevic's government. He was gunned down and killed in front of his family shortly after NATO troops occupied Kosovo.<sup>699</sup>

The family members of Albanians who refuse to lie against the Serbs are also targets of KLA intimidation. The KLA kidnapped Saban Fazliu's 16 year-old daughter after they learned that he was going to testify in Milosevic's favor at The Hague Tribunal.<sup>700</sup>

Fazliu was Milosevic's second Albanian defense witness and his last. After news of the kidnapping spread, no more Albanian witnesses would testify for the defense.

The coercion and intimidation of witnesses is worse in Kosovo than anywhere else in the former Yugoslavia. A confidential brief submitted by Hague prosecutors in the trial of KLA commander Ramush Haradinaj said, "The security situation for witnesses in Kosovo is fundamentally different from situation faced by witnesses in other regions of the former Yugoslavia. UNMIK's efforts to re-establish a functional judicial system has been beset by persistent problems associated with the intimidation of witnesses. In some of the most serious cases witnesses have been killed shortly after cooperating with local judicial authorities."<sup>701</sup>

An Albanian speaking favorably about the Serbs or negatively about the KLA runs the risk of endangering his own life and the lives of his closest family members.

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<sup>697</sup> "In spontaneously opening our hearts to these Kosovan refugees, we are opening our country to organised criminality," The Times (London), May 6, 1999

<sup>698</sup> "Del Ponte Accuses Everyone in Kosovo of Non-cooperation with Hague Tribunal," BBC Monitoring International Reports, October 12, 2004; Source: Koha Ditore, Pristina, in Albanian 12 Oct 04 p 1

<sup>699</sup> "Kosovo Albanian Politician Gunned Down in Front of Family," Agence France Presse, September 3, 2001

<sup>700</sup> Milosevic trial transcript, ICTY, August 18, 2005; Pg. 42809 - 42810

<sup>701</sup> ICTY, Prosecution's Response to Defence Motion on Behalf of Ramush Haradinaj for Provisional Release; Pg. 8, ¶ 25

## THE KOSOVO-ALBANIAN NATIONALISTS' CAPACITY FOR DECEPTION

Like the Muslim regime in Bosnia, Albanian nationalists in Kosovo sought to portray themselves as victims of human rights abuses at the hands of genocidal Serbs. Their goal was to justify the KLA's terrorism and obtain foreign intervention against the Serbs.

The first instance of Kosovo Albanians faking a human rights abuse occurred on March 22-23, 1990. Thousands of ethnic Albanian school children were admitted to Kosovo hospitals complaining of a mysterious illness that only affected Albanians.

Ibrahim Rugova, the man who would go on to lead Kosovo's parallel Albanian institutions, accused Serbian authorities of using nerve gas to poison Kosovo-Albanian school children. The Kosovo-Albanian public was outraged and Albanian mobs rampaged through Kosovo's streets, beating up several Serbs in the process.<sup>702</sup>

An international commission set up to investigate the "mystery illness" said that 2,990 Kosovo-Albanian children had been hospitalized, but there was no evidence that any of them had been poisoned.<sup>703</sup>

Yugoslav medical specialists examined blood, urine, and stomach fluid samples and found "no trace whatsoever of any toxic or other chemical substances".<sup>704</sup>

The Helsinki Watch (now known as Human Rights Watch) appointed its own international panel of doctors to assess the situation, and they didn't find any evidence of poisoning either. They concluded that the Albanians were suffering from "mass hysteria".<sup>705</sup>

Dr. Vukasin Andric, a healthcare professional who worked in Kosovo's hospitals, testified about this incident at The Hague Tribunal. He said, "Those were young people who were completely healthy, who were brought to hospital to be portrayed as sick. They would walk along the corridors of the hospital, and then when a TV crew or somebody would arrive, they would run to their beds and make believe that they were poisoned."<sup>706</sup>

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<sup>702</sup> "Mysterious Epidemic Spreads Among Ethnic Albanians," United Press International, March 23, 1990; See Also: "Ethnic Albanians Taken Ill, Police Prevent Clashes," United Press International, March 22, 1990

<sup>703</sup> "International Panel Finds No Poisoning In Kosovo," *The Associated Press*, March 27, 1990

<sup>704</sup> "In Brief; Military Medical Academy Finds No Traces of Poisoning," *BBC Summary of World Broadcasts*, March 27, 1990; Source: Yugoslav News Agency in Serbo-Croat 2117 gmt 24 Mar 90

<sup>705</sup> "Upheaval in the East; Foreign Doctor Calls Ailment In Yugoslavia Mass Hysteria," *The New York Times*, March 28, 1990

<sup>706</sup> Milosevic Trial Transcript, ICTY, February 23, 2005; Pg. 36548

At the time of the “poisonings”, the Yugoslav government issued a statement saying that the “false epidemic” was “planned by Albanian extreme nationalists” who tried to “deceive the public and further deepen ethnic conflicts.”<sup>707</sup>

The fact that Kosovo-Albanian nationalists could organize nearly 3,000 school children to pretend like they were the victims of a Serbian nerve gas attack is truly remarkable. Their only mistake was perpetrating a hoax that could be exposed by performing toxicology tests on the “victims”.

The fact that these people have demonstrated the ability to organize thousands of children to lie en masse should give one pause when assessing the credibility of the allegations the Kosovo Albanians have been making against the Serbs since then.

During the 1998-99 Kosovo war, thousands of ethnic Albanians left their homes in Kosovo for refugee camps in Albania and Macedonia and it was widely reported that they had been chased out of Kosovo by the Serbs.

Eve-Ann Prentice covered the 1998-99 Kosovo conflict for The Guardian and the London Times.

A key difference between Ms. Prentice and other Western journalists was the fact that she covered the war from inside Kosovo, while her colleagues chose to report the war from the sidelines - particularly from the refugee camps in Macedonia and Albania where the KLA was monitoring what the refugees said to the press.<sup>708</sup>

Unlike her colleagues in the refugee camps, Ms. Prentice took great pains to ensure that whenever she interviewed civilians, neither the KLA nor the Serbian security forces were present.

According to Ms. Prentice’s testimony, the vast majority of ethnic Albanian civilians she interviewed told her that they were under immense pressure to leave Kosovo and that most of the pressure was coming from the KLA.<sup>709</sup>

Only one of the Albanians that she interviewed told her that he was afraid of the Serbian security forces.<sup>710</sup>

According to Prentice’s testimony, “The KLA told ethnic Albanian civilians that it was their patriotic duty to leave because the world was watching. This was their one big opportunity to make Kosovo part of Albania eventually, that

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<sup>707</sup> “Serbia Takes Control of Ethnic Albanian Kosovo province,” United Press International, March 25, 1990

<sup>708</sup> “In spontaneously opening our hearts to these Kosovan refugees, we are opening our country to organised criminality,” The Times (London), May 6, 1999

<sup>709</sup> Testimony of Eve-Ann Prentice (Journalist for the Guardian and London Times), Milosevic trial transcript, ICTY, February 3, 2006; Pg. 47904

<sup>710</sup> Ibid.



NATO was there, ready to come in, and that anybody who failed to join the exodus was not supporting the Albanian cause.”<sup>711</sup>

Ms. Prentice wasn’t the only witness who came to The Hague and testified that the KLA was pressuring Albanian civilians to leave Kosovo during the war.

Alice Mahon, who served as a British MP from Halifax and a member of the NATO Parliamentary Assembly in Brussels during the Kosovo war testified that “The KLA definitely encouraged the exodus.”<sup>712</sup>

She told the Tribunal of an occasion where an ethnic Albanian woman, who came to Britain as a refugee from Kosovo, had a nervous breakdown in her office. This poor woman had been chased out of Kosovo by the KLA and was terrified at the thought of going back. Fortunately, Ms. Mahon was able to use her influence as an MP to allow this woman to remain in Britain.<sup>713</sup>

Muharem Ibraj and Saban Fazliu, two ethnic Albanian witnesses from Kosovo, also came to The Hague and testified that the Serbian security forces encouraged Albanians to remain in their homes, and that it was, in fact, the KLA who forced the Albanian population to leave the province.<sup>714</sup>

Fazliu testified that the KLA would kill anybody who disobeyed its orders. He said, “The [KLA] order was to leave Kosova in later stages, to go to Albania, Macedonia, so that the world could see for themselves that the Albanians are leaving because of the harm caused by the Serbs. This was the aim. This was the KLA order.”<sup>715</sup>

## **NATO’S MOTIVES NOT HUMANITARIAN**

78 days of NATO bombing Yugoslavia under “humanitarian” pretenses forced Serbian security forces to withdraw from the province in June 1999.

NATO’s subsequent occupation of Kosovo did not make the province safer for the civilian population. In the first five months after NATO-led KFOR troops took control of the province there were 379 murders. At roughly 15 to 20 murders a week, there were as many killings in Kosovo after the withdrawal of Serbian forces as there were before the NATO air strikes began.<sup>716</sup>

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<sup>711</sup> Ibid.; Pg. 47908

<sup>712</sup> Testimony of Alice Mahon (British member of the NATO parliamentary assembly); Milosevic trial transcript, ICTY, March 1, 2006; Pg. 49135

<sup>713</sup> Ibid.

<sup>714</sup> Testimony of Muharem Ibraj and Saban Fazliu (ethnic Albanians from Kosovo), Milosevic trial transcript, ICTY, August 17-18, 2005

<sup>715</sup> Testimony of Saban Fazliu, Milosevic trial transcript, ICTY, August 18, 2005; Pg. 42807 - 42808

<sup>716</sup> “Graves Put Kosovo Death Toll in Doubt; Killings and Forensics do not Tally,” The Guardian (London), November 11, 1999

NATO claims that it went to war to “stop ethnic cleansing”, but the consequences of its war were exactly the opposite. After the withdrawal of Serbian security forces, the vast majority of Kosovo’s non-Albanian population was forced to leave the province.

Over 200,000 Serbs and nearly 50,000 Roma (Gypsies) fled Kosovo after NATO-led KFOR troops occupied the province. The non-Albanian population that stayed behind lives in constant fear of being attacked by ethnic Albanian extremists.<sup>717</sup>

In the first eight months after KFOR troops occupied Kosovo, Albanian nationalists managed to destroy nearly 100 Serbian Orthodox Churches (many of which dated back to medieval times) and burn or loot thousands of Serb-owned homes.<sup>718</sup>

NATO’s war didn’t stop ethnic cleansing but rather facilitated it. Unlike the exodus of refugees during the NATO bombing when everyone left the province regardless of their ethnicity, the exodus of nearly the entire non-Albanian population after NATO-led troops occupied the province is a clear case of ethnic cleansing.

After the province was occupied by KFOR troops, the UN Mission in Kosovo (UNMIK) transformed the KLA into the Kosovo Protection Corps (KPC) on January 21, 2000.<sup>719</sup>

The man that UNMIK chose to command this civilian “protection corps” was Agim Ceku - the same ethnic Albanian field commander that Canadian troops had eye-witnessed carrying out war crimes against the Serbian population in Croatia’s Medak Pocket in 1993.<sup>720</sup>

Appointing Ceku and the KLA to “protect” the civilian population makes about as much sense as getting a fox to guard the henhouse. Given the nature of their “protection”, it is no wonder the non-Albanian population fled Kosovo.

## **GREATER ALBANIA IS STILL THE GOAL**

The establishment of a Greater Albanian state remains the overriding goal of the Kosovo Albanians. In 2004 The Albanian National Union Front published

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<sup>717</sup> “Serbian President Arrives in Kosovo for a Landmark Visit,” Agence France Presse - English, February 13, 2005; See Also: “Roma Refugees Cling On in Novi Pazar Slum,” Balkan Insight (BIRN), December 7, 2006

<sup>718</sup> “How We’re Aiding the Ethnic Cleansers; A Year After Britain’s Disastrous Involvement in Kosovo, Tragedy Vies with Incompetence as the West Connives in Persecuting the Serbs,” Daily Mail (London), February 26, 2000

<sup>719</sup> UNMIK online, Kosovo Protection Corps, 2000  
<<http://www.unmikonline.org/1styear/kpcorps.htm>>

<sup>720</sup> “Kosovo Defence Chief Accused of War Crimes,” Sunday Times (London), October 10, 1999; Sunday; See Also: “Balkan Realities,” The Washington Times, July 20, 2006

data from a poll commissioned by the Albanian magazine ILIRA showing that 82.5% of the nearly 8,000 Albanians polled favored the “unification of Albanian lands”.<sup>721</sup>

Campaigning in Kosovo’s 2004 elections, Naser Bresa, chairman of the Democratic National Front [BKD], told the Kosovo-Albanian newspaper Kosova Sot: “We offer the fulfillment of the historic aspiration for national unification, or said even more plainly, the formation of an ethnic Albania - an aspiration that dates back to the time of Mithat Frasheri, Abdyl Frasheri in the 19th century.”<sup>722</sup>

Bresa was not the only Kosovo-Albanian politician campaigning on the Greater-Albania platform. Emrush Xhemajli, chairman of the People’s Movement of Kosovo [LPK] said, “We are determined to realize the declaration on the independent state of Kosova and the creation of the Kosova-Albania Union.”<sup>723</sup>

Muhamet Kelmendi, the chairman of the Party of Albanian National Unity [UNIKOMB], told his supporters: “Our party offers a state through which we believe we can move towards realization of the historic will of the Albanian nation to have a state and be one nation. We do not understand creation of a new nation in the Balkans, but we do understand unification of the Albanian nation, which is currently separated and divided in various parts of the Balkans.”<sup>724</sup>

## THE ALBANIAN PUSH FOR KOSOVO INDEPENDENCE

Most Kosovo-Albanian leaders realize that the only way to achieve their ultimate goal of a Greater Albania is to first declare Kosovo an independent country and then link it up with Albania.

The 1998-99 war ended with UN Security Council Resolution 1244. The resolution gives Kosovo the right to “substantial autonomy and meaningful self-administration” while guaranteeing Serbia’s territorial integrity.<sup>725</sup>

Kosovo’s final status, which the resolution leaves open, is a question of what Kosovo’s “substantial autonomy and meaningful self-administration” will look like, not a question of whether it can be independent from Serbia.

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<sup>721</sup> Memorandum of the Albanian National Union Front Central Presidency, April 11, 2004; Prot. Nr.65-11- 04-04/AKTI

<sup>722</sup> “Kosovo’s BKD Offers ‘Formation of Ethnic Albania’ - Party Leader” BBC Monitoring; Source: Kosova Sot, Pristina, in Albanian 13 Oct 04 p 3

<sup>723</sup> “Kosovo: LPK Leader Asserts Party’s Determination to Create Union with Albania,” BBC Monitoring; Source: Kosova Sot, Pristina, in Albanian 9 Oct 04 p 3

<sup>724</sup> “Party of Albanian National Unity Leader Expects Shared Governance in Kosovo,” BBC Monitoring; SOURCE: Kosova Sot, Pristina, in Albanian 8 Oct 04 p 3

<sup>725</sup> UN Security Council Resolution 1244 (1999); Adopted by the Security Council at its 4011th meeting, on 10 June 1999; S/RES/1244 (1999) 10 June 1999

In addition to the explicit guarantees contained in Resolution 1244, the Helsinki Final Act and the UN Charter provide general guarantees for Serbia's territorial integrity.

From the standpoint of international law, Kosovo has no right to secede from Serbia. The Kosovo Albanians, after starting the war and ethnically cleansing practically the entire non-Albanian population, have no moral right to secession either.

To achieve their goal, the Albanian secessionists resorted to threats during Kosovo's "final status negotiations". Ylber Hasa, the lead Albanian negotiator, threatened the world with "a new Balkan war" unless Kosovo was given independence from Serbia.<sup>726</sup>

The State Department official in charge of Kosovo, Nicholas Burns, argued in favor of Kosovo independence before the House Foreign Affairs Committee, saying: "We became convinced in looking at it, all of us, that the prospects of violence would be greater if we waited ... because 92 percent to 94 percent of the people who now live in Kosovo are Albanian Moslems. And they've been waiting [for independence] a long, long time."<sup>727</sup>

On February 17, 2008 the Kosovo-Albanians unilaterally declared independence from Serbia, and the United States and part of the EU granted diplomatic recognition to the Albanian separatists.<sup>728</sup>

Since the end of the war, Kosovo's government has been dominated by KLA terrorists. As of 2018, Kosovo's prime minister is Ramush Haradinaj, and its president is Hashim Thaci – the two most senior leaders in the KLA.

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<sup>726</sup> "Kosovar warns of war if self-rule is denied," The Washington Times, February 19, 2007

<sup>727</sup> "Bush Administration, Congressional Committee Voice Support for Kosovo's Independence," Voice of America, April 17, 2007

<sup>728</sup> Douglas Hamilton, "U.S. and EU powers recognize Kosovo as some opposed," Reuters, February 17, 2008

## **CHAPTER 7**

### **The Life, Political Career, and Trial of Slobodan Milosevic**

Slobodan Milosevic was born of Montenegrin parents in Pozarevac, Yugoslavia in present-day Serbia on August 20, 1941. He was the second of two children, born seven years after his older brother Borislav.

His family was of modest financial means; both of his parents were school-teachers. He overcame a difficult family life. His parents separated when he was in elementary school. His mother was left to raise her two sons alone after his father abandoned the family and moved back to Montenegro. His parents are both reported to have committed suicide when he was a young man, his father in 1962 and his mother in 1973 – neither left a note.

Milosevic overcame his difficult family life. He married his high school sweetheart Mirjana "Mira" Markovic in 1965. They had two children, a daughter Marija and a son Marko.

As a student he excelled in school. He always got good marks, and in 1964 he received a law degree from the University of Belgrade.

In 1968 Milosevic completed his military service in Zadar, Yugoslavia, in present-day Croatia. He obtained the rank of Yugoslav People's Army (JNA) reserve major and was decorated with the JNA Order of Labor several times.

After completing his education and his military service, he began a successful career in business management and banking. He held the posts of deputy director and later general director at Tehnogas, a major oil and gas company until 1978. Thereafter, he became president of Beogradska Banka (Beobanka), one of the largest banks in Yugoslavia, and held that post until 1983.

#### **Political Career**

Milosevic has been frequently portrayed as a "dictator" by the Western political establishment. His rise to power is often presented as some kind of murky and "undemocratic" affair. In reality his rise to power was completely transparent. He was elected to every office he held.

In 1959 Milosevic joined the League of Communists of Yugoslavia. He began his political career in 1983 when he took a job as economic advisor to the mayor of Belgrade.

On April 16, 1984 Milosevic was elected to a two-year term as Chairman of the City League of Communists in Belgrade.<sup>729</sup>

On February 21, 1986 the Presidium of the Serbian League of Communists unanimously supported Milosevic's nomination for President of the central committee of the League of Communists of Serbia.<sup>730</sup> He was elected to the post on May 28, 1986 at the tenth congress of the League of Communists of Serbia.<sup>731</sup>

On May 8, 1989 the Serbian assembly elected a new Serbian presidency. At a joint session of all three chambers of the assembly the 291 delegates unanimously elected Slobodan Milosevic president in an open vote.<sup>732</sup> Milosevic was re-elected by the assembly on December 5th that same year; in a secret ballot Milosevic received 293 votes and his opponent Mihalj Kertes got 10 votes.<sup>733</sup>

On July 16, 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia were united; the new party was named the Socialist Party of Serbia (SPS), Slobodan Milosevic was elected as the first President of the new party in a secret ballot. 1,228 delegates voted for Milosevic, and 55 voted for his opponent, Radmila Andjelkovic.<sup>734</sup>

After the adoption of a new Serbian Constitution on September 28, 1990, Milosevic was elected to the newly established office of President of Serbia. In Serbia's first multiparty elections since 1938, Milosevic won 65 percent of the vote easily beating the 16.4 percent garnered by his nearest opponent Vuk Draskovic.<sup>735</sup>

In elections held on December 20, 1992, Milosevic was re-elected Serbian President. Milosevic won 56.32 percent of the vote defeating his nearest challenger Milan Panic who lost with 34.02 percent of the vote.<sup>736</sup>

After serving two terms as President of Serbia, Milosevic was elected to a four-year term as President of the Federal Republic of Yugoslavia by the Yugoslav Assembly. On July 15, 1997 the Yugoslav Assembly's Chamber of Citizens voted

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<sup>729</sup> "Belgrade LC City Committee officials elected," *BBC Summary of World Broadcasts*, April 18, 1984; SOURCE: Yugoslav News Agency 1229 gmt 16 Apr 84

<sup>730</sup> "LC Affairs; Candidature of Slobodan Milosevic for Serbian LC President," *BBC Summary of World Broadcasts*, February 26, 1986; SOURCE: Yugoslav News Agency in Serbo-Croat 1530 gmt 21 Feb 86

<sup>731</sup> "Serbian LC Congress Ends," *BBC Summary of World Broadcasts*, May 30, 1986

<sup>732</sup> "Serbian Assembly Session Milosevic Elected Serbian President," *BBC Summary of World Broadcasts*, May 12, 1989; SOURCE: Belgrade home service 1300 gmt 8 May 89

<sup>733</sup> "Proceedings of Serbian Assembly," *BBC Summary of World Broadcasts*, December 8, 1989, SOURCE: Tanjug in Serbo-Croat 1348 gmt 5 Dec 89

<sup>734</sup> "First Congress of Socialist Party of Serbia," *BBC Summary of World Broadcasts*, July 19, 1990; SOURCE: Yugoslav News Agency in Serbo-Croat 1522 gmt 16 Jul 90

<sup>735</sup> "Serbia Poll," *The Independent* (London), December 13, 1990

<sup>736</sup> "Panic Congratulates Victorious Rival," *Agence France Presse*, December 26, 1992

to elect Slobodan Milosevic president in a secret ballot, eighty-eight deputies voted for Milosevic and 10 voted against.<sup>737</sup> In the Yugoslav Assembly's Chamber of Republics, twenty-nine deputies voted for him and 2 voted against him.<sup>738</sup>

## REGIME CHANGE

In 2019, the US Special Operations Command headquartered at MacDill Air Force Base in Florida published a book outlining the techniques used by the United States to carryout regime change in foreign countries.

According to the book, "Secretary Albright gained White House support for a policy calling for the removal of Milosevic before the Kosovo War. By the spring of 2000, the State Department was spearheading a USG effort to bring about regime change in the former Yugoslavia, and specifically Serbia." [Will Irvin, "Support to Resistance: Strategic Purpose and Effectiveness," The JSOU Press MacDill Air Force Base, JSOU Report 19-2, 2019, pg. 177]

On September 24, 2000, presidential elections were held in Yugoslavia. Slobodan Milosevic was running for re-election and four candidates were running against him.

Milosevic's main opposition was Vojislav Kostunica, running as the joint candidate of the Democratic Opposition of Serbia (DOS), an alliance of eighteen pro-Western political parties.

Kostunica was Washington's man in Belgrade. The US Government spent some 77 million dollars funding DOS's efforts to unseat Milosevic.<sup>739</sup>

The funds came in suitcases of cash smuggled across the border between Yugoslavia and Hungary, and in more subtle forms like computers and broadcasting equipment.<sup>740</sup>

In most Western nations, including the United States, financing a political campaign with foreign money will land you in prison. During the "1996 Campaign Finance Scandal" the United States arrested several persons suspected of funneling Chinese money into the coffers of the Democratic Party.<sup>741</sup>

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<sup>737</sup> "Chamber of Citizens Elects Milosevic President," *BBC Summary of World Broadcasts*, July 17, 1997

<sup>738</sup> Chamber of Republics elects Milosevic president; *BBC Summary of World Broadcasts*, July 17, 1997, Thursday, Part 2 Central Europe, the Balkins; FORMER YUGOSLAVIA; FEDERAL REPUBLIC OF YUGOSLAVIA; ELECTION OF PRESIDENT; EE/D2973/A, 89 words

<sup>739</sup> John Lancaster, "US Funds Help Milosevic's Foes in Election Fight," *The Washington Post*, September 19, 2000

<sup>740</sup> "Milosevic, Trailing in Polls, Rails Against NATO," *The New York Times*, September 20, 2000

<sup>741</sup> "Chung Makes Deal With Prosecutors," *The Washington Post*, March 6, 1998

In spite of massive interference from the United States, Yugoslav voters went to the polls and voted. On September 28, 2000, Yugoslavia's Federal Election Commission announced the election results:

Dr. Vojislav Kostunica, 2,474,392 votes, 48.96%

Slobodan Milosevic, 1,951,761 votes, 38.62%

Tomislav Nikolic, 292,759 votes, 5.79%

Vojislav Mihailovic, 146,585 votes, 2.90%

Miodrag Vidojkovic, 46,421 votes, 0.92%

Invalid ballots: 2.68%

According to the results, Kostunica got the most votes. However, Yugoslav law required that if no candidate received an outright majority in the first round of voting, the two top polling candidates must face off in a run-off election.

Because Kostunica got less than 50% of the vote, the Federal Election Commission scheduled a run-off election between him and second-place candidate Slobodan Milosevic for October 8, 2000.

The run-off election didn't happen. Kostunica's supporters, their suitcases stuffed with foreign cash, accused Milosevic of electoral fraud.

The U.S. Government boasts that "The Serb leader had attempted to rig the election, as he had in the past, but election officials effectively guarded against this with the use of polling station monitors, trained with U.S. funding, to certify vote counts." [Will Irvin, "Support to Resistance: Strategic Purpose and Effectiveness," The JSOU Press MacDill Air Force Base, JSOU Report 19-2, 2019, pg. 178]

In other words, the United States was pursuing regime change and paying for the election monitors who accused Milosevic of electoral fraud.

The absurdity of their accusation is evidenced by the fact that people don't cheat to lose - they cheat to win. If Milosevic had cheated, then he certainly would not have rigged the election to poll 10 points behind Kostunica.

Nonetheless, on October 5, 2000, three days before the run-off election was to be held, Kostunica's supporters took to the streets of Belgrade to protest Milosevic's so-called "electoral fraud". They rioted, ransacked the headquarters of Milosevic's political party, and set the federal assembly building on fire. They had such strong inclinations towards democracy that they raided the offices of the Federal Election Commission where the ballots from the first round



of polling were stored. They took the ballots, threw them out the window, and set them on fire.<sup>742</sup>

Two days after the rioting and subsequent destruction of the ballots, the Federal Election Commission issued a new set of election results:

Dr. Vojislav Kostunica, 2,470,304 votes, 50.24%

Slobodan Milosevic, 1,826,799 votes, 37.15%

Tomislav Nikolic, 289,013 votes, 5.88%

Vojislav Mihailovic, 145,019 votes, 2.95%

Miodrag Vidojkovic, 45,964 votes, 0.93%

Invalid Ballots 2.85%

The logical question that arises is this: How could the Federal Election Commission recount the ballots after they were destroyed? Obviously, Milosevic's opponents were the ones engaged in electoral fraud.

In spite of the fact that Kostunica and DOS had seized power through violence, their actions were hailed by Bill Clinton, who said: "It is not just the end of dictatorship in Belgrade. In a real sense, it is the end of the war Mr. Milosevic started in the former Yugoslavia 10 years ago. Democracy has reclaimed every piece of ground he took."<sup>743</sup>

While Clinton's idea of "democracy" included seizing power through violence and falsifying election results, Milosevic, the so-called "dictator", had a different set of moral principles. He could have ordered the army to put down the rioting, and he could have remained in office until the end of his term, but he chose to step down. Unlike the dictator portrayed in the West, he didn't want to see his people killed or injured in clashes with the army.

In an interview published by the Russian press, Milosevic said:

"After the October 5th coup I resigned the presidency. I didn't have to do that. We could have mounted a counter attack. But our government discussed the situation. It was our opinion that the foreign powers wanted to provoke a bloodbath. Their idea was, we would strongly resist; their Fifth Column would stage violent provocations; we would act to preserve order; and then their agents would stage murderous incidents for the camera, blaming us to create the impression of ruthless repression.

"It was our opinion that NATO wanted to provoke civil war, have a blood bath and let the Serbs kill each other to create a pretext for intervention.

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<sup>742</sup> Lutz Kleveman, "Red Star Fans Tell of the Day Police Met Their Match," *The Daily Telegraph* (London), October 7, 2000

<sup>743</sup> Clinton Leads Welcome for Removal of Serb Dictator," *Financial Times* (London), October 7, 2000

“We have direct experience with war. The losses cannot be replaced. So if possible, it is better to make a struggle in the political sphere. So I resigned.”<sup>744</sup>

Milosevic’s guiding principle was that “Everything needs to be sacrificed for the people except for the people themselves.”<sup>745</sup>

Unlike the vainglorious dictator portrayed in the West, Milosevic sacrificed the presidency and his own personal power to protect his people.

## MILOSEVIC ARRESTED

After they overthrew his presidency in a coup, the pro-Western regime in Belgrade had him arrested on bogus charges of corruption and abuse of power.

Milosevic surrendered to police after a 40-hour standoff between the army and police that ended at 4:00 AM on April 1, 2001. The Yugoslav Army was guarding him because he was the former President of Yugoslavia.

When the police first tried to arrest him they didn’t have a warrant for his arrest, so the army wouldn’t let them take him. Reports that the standoff ensued because Milosevic was threatening to kill himself and/or his family were false. Milosevic surrendered to the police as soon as they presented a proper warrant for his arrest.<sup>746</sup>

Ironically, the police officer who led the operation to arrest Milosevic was none other than Milorad Lukovic “Legija”,<sup>747</sup> the same man who three years later, would be accused of assassinating Serbia’s pro-Western Prime Minister Zoran Djindjic, in an alleged plot to “return allies of Slobodan Milosevic to power”.<sup>748</sup>

Following his arrest, Milosevic was held in Belgrade’s central prison, where he was held for nearly three months without being arraigned. Under Yugoslav law, a court must either arraign a defendant or set him free within three months of his arrest.

In an interview with the *New York Times*, Djindjic said that they couldn’t try Milosevic in Serbia because the investigation into him at home on charges of corruption had faltered for lack of hard evidence.<sup>749</sup>

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<sup>744</sup> “‘What is My Offense?’ Exclusive Interview with Slobodan Milosevic”, Pravda Online (Russia), August 13, 2002; <<http://english.pravda.ru/main/2002/08/13/34454.html>>

<sup>745</sup> Milosevic’s speech at the 30th meeting of the Republika Srpska Assembly (admonishing them to accept the Vance-Owen peace plan); Pale, Republika Srpska; May 1993

<sup>746</sup> Personal conversation with Sinisa Vucinic, JUL politician who was in the house with Milosevic during the standoff; July 2, 2003

<sup>747</sup> “Milosevic’s Stand-off Ends with a Whimper,” The Times (London), April 2, 2001

<sup>748</sup> “Chief Suspect in Serbian Premier’s Assassination Back in Court,” *The Associated Press*, September 6, 2004

<sup>749</sup> “Serbian Tells of Spiriting Milosevic Away,” The New York Times, July 1, 2001

Rather than releasing Milosevic because there wasn't any evidence against him, Djindjic broke Serbian law and sent him off to The Hague Tribunal instead.

Milosevic's transfer to The Hague Tribunal was illegal on every level. The constitutions of Serbia and Yugoslavia explicitly forbade the extradition of any citizen to a foreign court.

The Constitutional Court of Yugoslavia had explicitly ruled that Milosevic was not to be extradited to the ICTY.<sup>750</sup>

The pro-Western puppet regime in Belgrade made no secret of its contempt for the rule of law. Djindjic's party called the court's ruling "irresponsible and scandalous" and Zarko Korac (Djindjic's deputy prime minister) boasted to the British press that "Milosevic could be extradited no matter how the courts ruled."<sup>751</sup>

Deliberately violating the constitution and ignoring the ruling of the highest court in the country, Djindjic decided that he and his "democratic" henchmen knew better. Six hours after the court had ruled that Milosevic couldn't be extradited, he was shipped off to The Hague Tribunal anyway.<sup>752</sup>

The Constitutional Court of Yugoslavia has since reviewed Milosevic's transfer to the ICTY and definitively ruled that it was unconstitutional.<sup>753</sup>

To call Milosevic's transfer an "extradition" would be an abuse of the term. Extradition is a legal procedure, but Milosevic's transfer had no legal basis whatsoever. His transfer to The Hague Tribunal was a deliberate violation of the law. Milosevic wasn't extradited - he was abducted. To add insult to injury, the national humiliation of the NATO puppet regime abducting the former president happened on June 28th, Vidovdan, one of the holiest days in Serbian culture.

## **MILOSEVIC ARRIVES AT THE HAGUE**

The first words out of Milosevic's mouth when he appeared in court at The Hague Tribunal were: "I consider this Tribunal a false Tribunal and the in-

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<sup>750</sup> "Yugoslav Constitutional Court Suspends Decree on Milosevic's Extradition," BBC Monitoring Europe – Political, June 28, 2001; Source: Radio B92, Belgrade, in Serbo-Croat 1100 gmt 28 Jun 01; See Also: "Yugoslav Court Suspends Extradition of Milosevic," CNN Transcript # 062801CN.V00, CNN BREAKING NEWS 07:05, June 28, 2001; Brian Nelson and Alessio Vinci Reporting

<sup>751</sup> "Milosevic Handed Over to UN War Crimes Tribunal," Birmingham Post (UK), June 29, 2001

<sup>752</sup> "Initial Reports Indicate Milosevic Extradition Underway", CNN Transcript # 062811CN.V00, CNN BREAKING NEWS 13:00, June 28, 2001; Lou Waters and Alessio Vinci Reporting

<sup>753</sup> "Yugoslav Court Rules Serbian Government Decree on ICTY Unconstitutional," BBC Monitoring Europe – Political, April 2, 2002; Source: Beta news agency, Belgrade, in Serbo-Croat 1752 gmt 1 Apr 02

dictment a false indictment. It is illegal being not appointed by the UN General Assembly.”<sup>754</sup>

Although his microphone was cut off by the presiding judge, Milosevic made an important point.

The Tribunal was established by UN Security Council Resolutions 808/93 and 827/93. However, the UN Security Council does not have the authority to establish a criminal tribunal, because the UN Charter doesn’t give it the power to adjudicate law. The Security Council cannot bestow powers that it does not possess on an entity that it creates; which means the ICTY lacks legal foundation and has no jurisdiction.

The fact that the Tribunal was unlawfully established was not lost on its first defendant, a low-level Bosnian-Serb commander named Dusko Tadic. Tadic, citing the ICTY’s lack of legal foundation challenged the court’s jurisdiction to put him on trial at all.

The ruling that the ICTY’s Appeals Chamber handed down looks like something that Franz Kafka would have written. Their disposition literally says, “The International Tribunal is empowered to pronounce upon the plea challenging the legality of the establishment of the International Tribunal” which of course led to the conclusion “that the International Tribunal has subject-matter jurisdiction over the current case”.<sup>755</sup>

That’s the ICTY in a nutshell. The Tribunal’s entire legal foundation is derived from the circular reasoning that it’s legal because it says it’s legal.

Although Milosevic did not acknowledge its legitimacy, the Tribunal quickly learned that he wasn’t going to surrender without a fight either. After the Prosecutor read out the text of the indictment against him, Milosevic denounced the trial as a farce and said that the indictment was “written at the intellectual level of a seven-year-old child - or rather - let me correct myself - a retarded seven-year-old.”<sup>756</sup>

## THE PROSECUTION’S CASE

The prosecution issued three indictments against Milosevic for 66 counts of war crimes in Croatia, Bosnia, and Kosovo, where the Prosecution alleged that he had participated in a joint criminal enterprise.

Under the doctrine of joint criminal enterprise (JCE), an accused is individually liable for crimes committed in the pursuit of the JCE, whether he knows any-

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<sup>754</sup> Milosevic Trial Transcript, ICTY, July 3, 2001; Pg. 2

<sup>755</sup> ICTY Case No. IT-94-1-T, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Prosecutor v. Dusko Tadic a/k/a “Dule”, October 2, 1995

<sup>756</sup> Milosevic Trial Transcript, ICTY, October 30, 2001; Pg. 64

thing about them or not. The thinking is that an accused is guilty of the crime if the JCE was the motivating factor behind it.

The prosecution alleged that in Croatia the purpose of the joint criminal enterprise was “the forcible removal of the majority of the Croat and other non-Serb population from the approximately one-third of the territory of the Republic of Croatia that [Milosevic] planned to become part of a new Serb-dominated state through the commission of crimes.”<sup>757</sup>

The prosecution claimed that in Bosnia “The purpose of [the] joint criminal enterprise was the forcible and permanent removal of the majority of non-Serbs, principally Bosnian Muslims and Bosnian Croats, from large areas of the Republic of Bosnia and Herzegovina, through the commission of crimes.”<sup>758</sup>

The prosecution alleged that in Kosovo the joint criminal enterprise was aimed at “the expulsion of a substantial portion of the Kosovo Albanian population from the territory of the province of Kosovo in an effort to ensure continued Serbian control over the province.”<sup>759</sup>

The prosecution successfully petitioned the Tribunal to join the three indictments into one mega trial by arguing that the “common scheme, strategy or plan which connects the three Indictments is Milosevic’s plan to create a ‘Greater Serbia’, encompassing Kosovo and the areas of Croatia and Bosnia and Herzegovina with a substantial Serb population: this was to be achieved through the forcible removal of non-Serbs from large areas of the territory of the former Yugoslavia by means of acts which constitute crimes under the Statute.”<sup>760</sup>

In the prosecution’s submission, the “purpose of the joint criminal enterprise described in these indictments and the methods applied to achieve the goal are effectively identical.”<sup>761</sup>

The core foundation of the prosecution’s case was the allegation that Milosevic sought to create a “Greater Serbia” and that the motive behind the litany of crimes listed in the indictments was his ambition to create a “Greater Serbia”.

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<sup>757</sup> Milosevic indictment, ICTY, Croatia: Second Amended Indictment, July 28, 2004; ¶ 6

<sup>758</sup> Milosevic indictment, ICTY, Bosnia: Amended Indictment, April 21, 2004; ¶ 6

<sup>759</sup> Milosevic indictment, ICTY, Kosovo: Second Amended Indictment, October 29, 2001; ¶ 16

<sup>760</sup> ICTY Case No. IT-02-54 Prosecutor v. Slobodan Milosevic, Prosecution’s Motion for Joinder, November 27, 2001 and Prosecution’s Corrigendum to Motion for Joinder, December 10, 2001;

<sup>761</sup> ICTY Case No. IT-02-54 Prosecutor v. Slobodan Milosevic, Prosecution’s Motion for Joinder, November 27, 2001 and Prosecution’s Corrigendum to Motion for Joinder, December 10, 2001;

Although the trial transcript ran almost 50,000 pages and the trial lasted for four years, the question at the heart of it all is very simple. Did Milosevic want a “Greater Serbia” or not?

As we established in Chapter 1, Milosevic didn’t have any intention to create a “Greater Serbia.”

Because Milosevic did not seek the establishment of a “Greater Serbia”, none of the crimes listed in the indictments can be attributed to “his plans to create a ‘Greater Serbia’”. There was no joint criminal enterprise, and no link between him and the crimes set out in the indictments.

The other plank in the prosecution’s case was that Milosevic was individually responsible for crimes allegedly committed by Yugoslav and Serbian security forces in Kosovo by virtue of the command authority he possessed as the President of Yugoslavia.<sup>762</sup>

In addition to Milosevic’s direct authority in Kosovo, the prosecution alleged that he possessed de facto authority over Serbian combatants during the wars in Croatia and Bosnia, but they had no evidence to prove this.

## THE PROSECUTION’S CASE SELF-DESTRUCTS

The Prosecution made the fatal mistake of calling its own employee to testify. Reynaud Theunens, a Belgian intelligence officer employed by the Office of the Prosecutor, was asked whether the prosecution had any evidence that Milosevic issued orders to Serbian forces fighting in either Croatia or Bosnia. The answer that Theunens gave was a disaster for the prosecution. He said, “The fact that we don’t have orders doesn’t mean that they don’t exist.”<sup>763</sup>

Milosevic responded saying, “There are none, that’s why you haven’t got one.”<sup>764</sup> It was five days before the end of the prosecution’s case and their own employee had done them in.

There was only one prosecution witness who testified that he had actually witnessed Milosevic advocating a “Greater Serbia” or encouraging his subordinates to commit war crimes. That witness was a protected witness identified only as “Witness C-048”.

C-048’s testimony was the best evidence that the prosecution had. When C-048 gave his testimony, nearly fifteen months into the prosecution case, the Western media triumphantly reported that ICTY prosecutors “have finally

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<sup>762</sup> Milosevic indictment, ICTY, Kosovo: Second Amended Indictment, October 29, 2001

<sup>763</sup> Milosevic trial transcript, ICTY, January 27, 2004; Pg. 31576

<sup>764</sup> Ibid.; Pg. 31577

found the elusive ‘smoking gun’ evidence to tie Milosevic to Balkan atrocities.”<sup>765</sup>

Judith Armatta, of the pro-ICTY Coalition for International Justice, hailed C-048’s testimony as “some of the closest evidence of a ‘smoking gun’ yet to appear in the trial.”<sup>766</sup>

The Institute for War & Peace Reporting said that C-048’s testimony was the first testimony “directly linking Milosevic to war crimes”. Their report said, “After 15 months of trying, war crimes prosecutors have finally produced what they hope will be the ‘smoking gun’ evidence against Slobodan Milosevic. A witness has produced the first testimony that the former Serbian strongman instructed his men to persecute thousands of civilians.”<sup>767</sup>

After reporting that C-048’s testimony had finally ended “15 months of frustration in [the] battle to link Milosevic to the atrocities of the Balkan wars,” the Scotsman newspaper noted that “It is one of the paradoxes of Milosevic’s trial that while more than 120 witnesses have recalled grisly details of massacres across the Balkans, not a scrap of testimony had been produced proving Milosevic actually ordered any of these crimes.”<sup>768</sup>

C-048 testified that he was the managing director of the Royal Casino in Novi Sad, Serbia, when sometime in March of 1993 (he didn’t know exactly when) he overheard Milosevic in the casino advocating the establishment of a Greater Serbia and encouraging his subordinates to carry out ethnic cleansing operations against the Croatian population in the Serbian Krajina.<sup>769</sup>

C-048 claimed that Milosevic visited the casino during a working visit to the Novi Sad headquarters of the Socialist Party of Serbia.<sup>770</sup>

On July 7, 2003, this author personally went to the Socialist Party headquarters in Novi Sad to find out whether Milosevic had been there in March of 1993 and was unequivocally told that he wasn’t even in Novi Sad during that entire month.

The Royal Casino where C-048 worked (which had been re-named the Hotel Putnik, and has since burned down), was directly across the street from the Socialist Party headquarters in Novi Sad. During my 2003 visit to Novi Sad I asked around and found that C-048’s identity wasn’t much of a secret. People

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<sup>765</sup> “Casino Manager Tells Milosevic Trial of Plans for Ethnic Cleansing,” *The Irish Times*, April 29, 2003

<sup>766</sup> Judith Armatta, “Milosevic Trial Summary Day 178-79,” Coalition for International Justice, April 29, 2003

<sup>767</sup> “Milosevic Linked Directly to War Crimes,” IWPR, April 21-25, 2003 (TU 310); <[http://iwpr.net/?p=tri&s=f&o=165543&apc\\_state=henitri2003](http://iwpr.net/?p=tri&s=f&o=165543&apc_state=henitri2003)>

<sup>768</sup> “New Evidence ‘Links Milosevic with War Crimes’,” *The Scotsman*, April 30, 2003

<sup>769</sup> Milosevic trial transcript, ICTY, April 28, 2003; Pg. 19686-19691

<sup>770</sup> *Ibid.*; Pg. 19687

knew his real name and they knew the motive behind his testimony at The Hague Tribunal.

According to the information that I received in Novi Sad, C-048 was a waiter who sometimes dealt cards for the various table games in the casino. He was also the person hotel guests would contact if they wanted drugs or a prostitute.

It came out during C-048's testimony that the Royal Casino's tax records never listed him as the director of the casino<sup>771</sup> and from what I learned in Novi Sad that would make sense; I was told that he never was the director of the casino in the first place.

It also came out during C-048's testimony that he had a criminal past, which involved armed robbery, racketeering, and time in the Zrenjanin prison. Unfortunately, most of the details have been hidden from the public because The Hague Tribunal redacted most of this information from the trial transcript.<sup>772</sup>

From what I was told in Novi Sad, C-048 was in trouble with the law because of drug offenses so he decided to testify at the ICTY in order to use their witness protection program as a means to escape criminal prosecution in Serbia.

The explanation that C-048 gave in court was radically different from what I was told. He said, "I made contact [with the prosecution] at my own initiative ... because I'm convinced that it is the duty of any honest man to testify at court against crime."<sup>773</sup>

C-048's recollection of the events he was testifying about came from an alleged diary that he says he wrote, but when the prosecution asked him to produce it for the trial he told them that he wasn't able to.<sup>774</sup>

When the prosecution sent an investigator to Novi Sad to try and find it, they came back empty-handed.<sup>775</sup> The Tribunal was told that C-048's mother had destroyed the diary.<sup>776</sup>

Tore Soldal, the prosecution investigator who interviewed C-048 before his testimony, said that he barely even saw the book that was purported to be the diary. He said that he was only able to glance at it briefly when the witness left the room, and even then he only saw two pages and couldn't remember what they said.<sup>777</sup>

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<sup>771</sup> Milosevic trial transcript, ICTY, April, 29 2003; Pg. 19727

<sup>772</sup> Ibid.; Pg. 19707-19719, 19784-19785

<sup>773</sup> Milosevic trial transcript, ICTY, April 28, 2003; Pg. 19628-19629

<sup>774</sup> Ibid.; Pg. 19623

<sup>775</sup> Milosevic trial transcript, ICTY, February 12, 2004; Pg. 32064-32065

<sup>776</sup> Ibid.; Pg. 32060

<sup>777</sup> Ibid.; Pg. 32062



Soldal also went to Novi Sad to try and find corroboration for C-048's testimony, and he didn't find any either. When asked whether he found information corroborating C-048's assertion that Milosevic had been at a meeting in Novi Sad sometime in March of 1993, he admitted that he couldn't find any information "that matched the period or the incident the witness was talking about."<sup>778</sup>

It must have been frustrating for the prosecutors to have their only witness linking Milosevic to war crimes come to naught on the very last day of their case.

## **MILOSEVIC VS. THE PROSECUTION'S WITNESSES**

It was obvious that the Prosecution had underestimated Slobodan Milosevic's mental stamina. The trial was a grinding and tedious process, but one by one Milosevic managed to wear down and destroy the prosecution's witnesses. A typical example of the way this process worked can be seen in the testimony of prosecution witness Miroslav Deronjic. There are many examples that could be used, but for the sake of economy we'll focus on Deronjic.

Deronjic was a leading Serbian civilian official in the area of Bratunac and Srebrenica during the Bosnian war. He testified that Radovan Karadzic personally told him that all of the Bosnian-Muslims in Srebrenica should be killed.

According to Deronjic's witness statement, on July 9, 1995, Karadzic took him aside and privately told him, "Miroslav, all of them [the Srebrenica-Muslims] need to be killed. Everything you can get your hands on."<sup>779</sup>

When Bosnian-Serb forces took over Srebrenica a couple days later, a number of Srebrenica-Muslim fighters had been captured and they were being held prisoner in Bratunac, where Deronjic had political responsibility.

Deronjic claims that he called Radovan Karadzic on July 13th to get instructions on what should be done with the prisoners. He said that Karadzic told him, "I am going to send, or such and such a man will come with instructions."<sup>780</sup> Deronjic claims that he was able to remember this particular conversation because of the code language that was used. He was told, "Miroslav, before the dawn the goods (codeword for prisoners) have to be in the warehouse."<sup>781</sup>

The next day Deronjic claimed that Col. Beara came and told him, "Mr. Deronjic, I have orders from the top, orders from the top to kill the prison-

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<sup>778</sup> Ibid.; Pg. 32057

<sup>779</sup> Milosevic Trial Exhibit P600, Miroslav Deronjic Witness Statement, Para 181

<sup>780</sup> Ibid., Para 206

<sup>781</sup> Ibid.

ers.”<sup>782</sup> According to Deronjic, this was the man who Karadzic had promised to send with instructions.

Deronjic’s story fell apart under cross examination. It turns out that the July 13th telephone conversation that he claims to have had with Karadzic had been intercepted, the line had been tapped, and the conversation was already in evidence as Prosecution exhibit 601.

Two things were immediately clear from the conversation; first there is no mention of killings or a man coming with instructions, but the part about “moving the goods to the warehouse” is there so this is undoubtedly the conversation in question. Secondly, Deronjic wasn’t speaking to Karadzic, he was speaking to an intermediary who told him point blank, “The President can’t hear you, Deronjic, this is the intermediary.”<sup>783</sup>

Another flaw in Deronjic’s testimony had to do with the orders issued to the Bosnian-Serb military. As will be recalled, Deronjic says that on July 9th Karadzic privately told him that the Srebrenica-Muslims “need to be killed”.

On precisely the 9th of July the main staff of the Bosnian-Serb Army issued an order to its field commanders that said: “In accordance with the order of the President of Republika Srpska [Radovan Karadzic], you must issue an order to all combat units participating in combat operations around Srebrenica to offer maximum protection and safety to all UNPROFOR members and the civilian Muslim population. You must order subordinate units to refrain from destroying civilian targets unless forced to do so because of strong enemy resistance. Ban the torching of residential buildings and treat the civilian population and war prisoners in accordance with the Geneva Conventions of 12 August 1949.”<sup>784</sup>

Armed with this order, Milosevic caught Deronjic in his lie. Here is the excerpt from the transcript.

MILOSEVIC: Mr. Deronjic, did you have any role in the command chain, in the chain of command of the Ministry of the Interior of Republika Srpska?

DERONJIC: I had no role whatsoever.

MILOSEVIC: Was there any way you could have affected the decisions of commanders in the police or the army?

DERONJIC: No.

MILOSEVIC: You couldn't. How, then, do you explain the fact that Radovan Karadzic told you that all of them needed to be killed if you were not able to do that, according to your own words?

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<sup>782</sup> Ibid., Para 209

<sup>783</sup> Milosevic Trial Exhibit P601, Intercept between Deronjic and Karadzic’s intermediary

<sup>784</sup> Milosevic Trial Exhibit, D171-ID, Order No. 12/46-501/95, 9 July 1995

DERONJIC: That's correct.

MILOSEVIC: So he couldn't have issued that order to you.<sup>785</sup>

This was how the process usually went. Milosevic would hand the prosecution's witness the rope, and they would hang themselves with it. Milosevic had the actual orders that had been given to the Army, and now he had Deronjic's admission that he had no control over the army or the police. So even if Karadzic did tell Deronjic to kill everybody, which is very doubtful, it would have been pointless because Deronjic wasn't in a position to do anything like that anyway.

Several things in Deronjic's witness statement weren't accurate, including some quotes that had been wrongfully attributed. When asked about this Deronjic was forced to explain, "Mr. Milosevic, first of all, I want to say that these quotation marks you see sometimes in my statement are not necessarily correctly placed, because when my testimony was summarized, certain things may have been marked as a quotation incorrectly."<sup>786</sup>

Milosevic went through Deronjic's witness statement and tore it apart, and even though the process was slow and tedious he seemed to take a certain pleasure in making Deronjic squirm as he often did with the prosecution's witnesses.

When Milosevic confronted Deronjic with contradictions in his statement he broke down and said, "You know, Mr. Milosevic, that I gave this statement without being able to refresh my memory, especially with regard to dates, because I was already in detention. So I expressed my reservation about the timing of certain events. And I didn't even think that I needed to be completely accurate."<sup>787</sup>

This was a major departure from what he had told the prosecutor about the accuracy of his statement earlier:

PROSECUTOR: And is that statement and its contents true and accurate to the best of your knowledge and belief?

DERONJIC: This statement is completely accurate, and I agreed to sign it as a completely accurate statement.<sup>788</sup>

One thing that was always striking about the way Milosevic conducted his defense and that was the way he always kept digging. He never gave up, and the

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<sup>785</sup> Milosevic Trial Transcript, November 26, 2003, Testimony of Miroslav Deronjic, Pg. 29676-29677

<sup>786</sup> Milosevic Trial Transcript, November 26, 2003, Testimony of Miroslav Deronjic, Pg. 29683

<sup>787</sup> Ibid., Pg. 29663

<sup>788</sup> Ibid., Pg. 29618

judges frequently intervened to cut off his cross-examinations because he wouldn't stop until he got to the truth, no matter how long it took.

Simply proving that Deronjic was lying wasn't enough for Milosevic. He went the extra mile to show why Deronjic was lying.

Deronjic freely admitted that he despised Milosevic. In 1991 he even helped to organize demonstrations in Belgrade against Milosevic and the Serbian government.<sup>789</sup> However, Deronjic's motive to lie went deeper than a personal vendetta against a hated politician.

Miroslav Deronjic was a war criminal and a disgrace to his country. Before the Bosnian-Serb Army was established, he was the commander of the Territorial Defense in Bratunac. By his own admission, he was responsible for the massacre of 65 unarmed Muslim civilians in the Bosnian village of Glogova near Bratunac in 1992.

According to the testimony of prosecution witness B-1701, a survivor of the massacre, Deronjic personally assured the Muslim population that if they handed over their weapons nobody would harm them. They took Deronjic at his word and surrendered their weapons. The very next day a group of masked men, including Deronjic, came back to the village and started killing people.<sup>790</sup>

In exchange for a lenient prison sentence, Deronjic pled guilty to the massacre in Glogova and agreed to give testimony against others who had been indicted by the Tribunal.<sup>791</sup>

The ICTY Statute does not authorize plea bargains and for good reason: the drafters made a deliberate policy decision not to allow them.<sup>792</sup> The drafters felt that the nature of the crimes made plea bargaining inappropriate. Their attitude was, to paraphrase Judge Cassese, "no immunity no matter how useful."<sup>793</sup> When it came to Deronjic, Erdemovic, and others those lofty ideals were put aside, and plea bargains were made in spite of the Tribunal's own rules.

Deronjic was imprisoned at the UN Detention Unit in The Hague together with another witness in Milosevic's trial. Serbian Radical Party president Vojislav

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<sup>789</sup> Milosevic Trial Transcript, Testimony of Miroslav Deronjic, November 27, 2003, Pg. 29736

<sup>790</sup> Milosevic Trial Transcript, Testimony of Witness B-1701, April 4 & April 16, 2003

<sup>791</sup> Milosevic Trial Exhibit D220, Plea Agreement for Miroslav Deronjic

<sup>792</sup> Gregory P. Lombardi, "Symposium: The ICTY at Ten: A Critical Assessment of the Major Rulings of the International Criminal Tribunal Over the Last Decade: Legitimacy and the Expanding Power of the ICTY" *New England Law Review*, 37 *New Eng. L. Rev.* 887, Summer, 2003; See also Michael Bohlander, Plea Bargaining before the ICTY, in *Essays on ICTY Procedure and Evidence in Honour of Gabrielle Kirk McDonald* 152 (Richard May et al. eds., 2001) ("The Statute of the ICTY does not contain any provisions about the admissibility and the procedure to be followed in case of guilty pleas, let alone plea bargains."). Compare Statute of the International Criminal Court, U.N. Doc. A/Conf.183/9, 17 July 1998, art. 65(5)

<sup>793</sup> Michael P. Scharf, *Balkan Justice* (1997), Pg. 67 (quoting Judge Cassese)

Seselj, who was also indicted by the Tribunal, testified that Deronjic had confided in him while the two of them were in prison together.

According to Seselj's testimony: "I was an eyewitness in the prison of The Hague Tribunal as to how Miroslav Deronjic was broken down by The Hague Tribunal, how they blackmailed him and the process of breaking him down. I was on good terms with him to begin with. He told me how he was arrested, how he was beaten, how they [the NATO soldiers who arrested him in Bosnia] put him in a barrel of water and so on and so forth. He confided in me, and they -- it took months to break him down. And they didn't succeed in breaking him down until Momir Nikolic, in his testimony before the Prosecution said that Deronjic was present at a conversation where an execution was agreed.

"Well, then Deronjic broke down completely and agreed to testify on any subject whatsoever and against anybody whatsoever. He agreed to falsely testify against Karadzic. It was then that he said that Karadzic spoke about the execution of prisoners, that at Pale he called him aside to whisper that to him in his ear."<sup>794</sup>

In his opening defense statement Milosevic singled out Deronjic's testimony as a particularly egregious example of the Tribunal's judicial misconduct. He said, "You had the public testimony of Miroslav Deronjic, and his own mother should not speak to him in view of what he said he did, that he killed a whole village after guaranteeing its security. First, he guaranteed its security and then slaughtered the whole village. You forgave him all of that only so that he would lie against Karadzic."<sup>795</sup>

Ultimately the Tribunal held up its end of the bargain. Deronjic was sentenced to only ten years in prison, and in all probability he would have been paroled early. Ironically, his plea bargain turned out to be for nothing. Deronjic fell seriously ill during his abbreviated prison sentence and died in a Swedish prison at the age of 52.<sup>796</sup>

## A SERIES OF DISASTERS

Prosecution witnesses were often caught lying, the prosecution got caught putting bogus information into the written statements of its witnesses, and several prosecution witnesses turned against the prosecution and gave evidence favorable to Milosevic.

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<sup>794</sup> Milosevic Trial Transcript, September 16, 2005, Testimony of Vojislav Seselj, Pg. 44264

<sup>795</sup> Milosevic Trial Transcript, September 1, 2004, Pg. 32291

<sup>796</sup> "Bosnian Serb war criminal Deronjic dies in Sweden," *The Associated Press*, May 20, 2007 Sunday 8:15 PM GMT

The trial brought the Tribunal into disrepute and transformed Milosevic from a defeated political candidate and suspected criminal into a Serbian national hero.

Several prosecution witnesses got caught lying while telling dramatic tales of alleged Serbian atrocities. Prosecution witness Bilal Avdiu claimed that he had witnessed Serbian police executing civilians in Racak. He described one of the killings saying: "I saw that myself. He had no bullet injuries. I saw the knife and saw how they ripped his heart out. I know it was the police who did it themselves. I know that. It was just the wound from the knife when they ripped out his heart. That was the only injury on his body."<sup>797</sup>

Five days later, after forensic evidence submitted to the court had established that none of the bodies in Racak had had their hearts cut out, lead prosecutor Geoffrey Nice was trying to explain why his witness had testified that someone's heart had been cut out with a knife. Mr. Nice said, "Several witnesses now have spoken of mutilation of bodies at Racak, hearts being cut out and so on. It may be, and this will be an argument in due course, and may be that that is explicable by damage done to bodies by gunshot and similar weaponry."<sup>798</sup> This, despite the witness being very explicit that there were "no bullet injuries" and that he "saw the knife and saw how they ripped his heart out".

Prosecution witness Milazim Thaci, a cousin of the KLA leader Hasim Thaci,<sup>799</sup> testified how he had miraculously survived execution by Serbian police. He says they fired at him with heavy machine guns from a distance of only seven meters and missed. To prove his claim he brought his shirt, which was riddled with bullet holes, to court with him. When asked to explain how the shirt he was wearing got hit while he wasn't touched, he explained that "God saved us"<sup>800</sup>

- God just didn't bother saving his shirt.

Ratomir Tanic, a so-called "insider witness" for the prosecution, testified that he was privy to sensitive state secrets because he was a special advisor to Nova Demokratija president Dusan Mihajlovic during a time when that party formed a coalition government with Milosevic's party.<sup>801</sup>

Back in Belgrade, Nova Demokratija (which by then was allied with the Democratic Opposition of Serbia - i.e. against Milosevic's party) issued a press release denying that Tanic had ever even been a member of the party, let alone an advisor to its president.

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<sup>797</sup> Milosevic trial transcript, ICTY, May 31, 2002; Pg. 5979

<sup>798</sup> Milosevic trial transcript, ICTY, June 5, 2002; Pg. 6295

<sup>799</sup> "Milosevic Witnesses' Frustration," BBC Newsnight (website), July 26, 2002; <<http://news.bbc.co.uk/1/hi/programmes/newsnight/2154333.stm>>

<sup>800</sup> Milosevic trial transcript, ICTY, June 14, 2002; Pg. 7148

<sup>801</sup> Milosevic trial transcript, ICTY, May 14, 2002; Pg. 4881

Dusan Mihajlovic told Serbian television that Tanic could not be described as “an insider” because he had not taken part in the events he was testifying about. He said, “The Hague Tribunal is a serious institution and we should not have witnessed this. We should not have ended up in this laughable and ridiculous situation where the prosecution announces as a key witness a person who cannot possibly be that”.<sup>802</sup>

The Serbian newspaper NIN reported that Tanic, rather than the high-powered political insider he presented himself as, was a swindler known for massive gambling debts and a penchant for inventing personal exploits.<sup>803</sup>

On another occasion, a protected prosecution witness testifying under the pseudonym “Witness B-083” denounced the prosecution for getting large swaths of his written witness statement wrong. He said: “I say quite plainly that there are errors of such a nature that I couldn’t under any circumstances sign such a statement ... If I had written such a statement in my own hand, I would stand by it, but believe me, many of these things would not have been said if that had been the procedure, especially as there are some things that are absolutely untrue ... These are technical errors and things that absolutely are out of the question, because that is not what I think and what I believe.”<sup>804</sup>

This “mistake” was able to happen because the witnesses at the ICTY don’t write their own witness statements. The Prosecutor writes their statements for them.

The day before the fiasco with B-083’s witness statement broke, the Trial Chamber had ruled that written statements from witnesses known only as B-1516 and B-1010 could be admitted as evidence against Milosevic without cross-examination,<sup>805</sup> and God only knows how accurate those were.

Both statements went in under Rule 92 bis which is itself a clear violation of the Tribunal’s statute. This rule allows the Trial Chamber to admit witness statements “in lieu of oral testimony which goes to proof of a matter other than the acts and conduct of the accused as charged in the indictment” and to disallow cross-examination in its discretion.

The rule violates the Tribunal’s Statute because giving the Trial Chamber the ability to admit the witness statements without cross-examination over the accused’s objection denies him his statutory right to confront the witnesses against him.<sup>806</sup> The Trial Chambers have attempted to justify this deficiency by arguing that statements which go to proof of matters other than the acts and

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<sup>802</sup> “Serbia: Politicians Rubbish Milosevic ‘Insider’,” IWPR, May 17, 2002 (BCR No 337)

<[http://www.iwpr.net/index.php?apc\\_state=hen&s=o&o=p=bcr&l=EN&s=f&o=250259](http://www.iwpr.net/index.php?apc_state=hen&s=o&o=p=bcr&l=EN&s=f&o=250259)>

<sup>803</sup> “Triler u Hagu,” NIN (Belgrade), May 16, 2002 (Nr. 2681)

<sup>804</sup> Milosevic trial transcript, ICTY, July 23, 2003; Pg. 24793

<sup>805</sup> Milosevic trial transcript, ICTY, July 22, 2003; Pg. 24738

<sup>806</sup> ICTY Statute Article 21(4)(e)

conduct of the accused do not implicate the accused in a "critical way."<sup>807</sup> To allow statements which do implicate the accused in a critical way would breach his statutory right to cross-examination but otherwise they don't. This is an absurd distinction. Obviously, any evidence that can be used to convict the accused implicates him in a "critical way." Any evidence deemed peripheral enough to warrant admission under Rule 92 bis over the objection of the accused should be disallowed on the grounds that it is prejudicial, not probative.

B-083 wasn't the only prosecution witness to find himself on the witness stand trying to explain how things he never said got into his witness statement either.

Prosecution witness Dragan Vasiljkovic's witness statement said: "In my opinion, the Serbian government financed the war effort [in Croatia]. However, I have no evidence." When asked about that in court he said, "I don't remember saying this at all ... I don't know how this found its way into my statement ... I would not use the term 'war effort' for sure. This is not my word. I don't know how that went past. I reject it."<sup>808</sup>

After Vasiljkovic's testimony failed to turn out the way the prosecution had hoped he said they refused to pay his travel expenses and left him stranded in The Hague.<sup>809</sup>

On another occasion, prosecution witness Radomir Markovic testified that the "democratic" regime that overthrew Milosevic in Serbia had tried to bribe him so that he would give false testimony.

Excerpt from Milosevic trial transcript, Friday, July 26, 2002; Pg. 8764-8765

MILOSEVIC: Is it true that they offered on that occasion to you certain protective measures? They told you you would be in prison for six months and would

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<sup>807</sup> Gregory P. Lombardi, "Symposium: The ICTY at Ten: A Critical Assessment of the Major Rulings of the International Criminal Tribunal Over the Last Decade: Legitimacy and the Expanding Power of the ICTY" *New England Law Review*, 37 *New Eng. L. Rev.* 887, Summer, 2003; See also *Prosecutor v. Milosevic*, Case No.: IT-02-54, Decision on Prosecution's Request to Have Written Statements Admitted under Rule 92 bis, Separate Opinion of Judge Patrick Robinson, 21 March 2002, para. 5. Several cases have had occasion to apply Rule 92 bis. See, e.g., *Prosecutor v. Sikirica*, Case No.: IT-95-8-T, Decision on Prosecution's Application to Admit Transcripts under Rule 92 bis, 23 May 2001; *Prosecutor v. Naletilic*, Case No.: IT-98-34-T, Decision Regarding Prosecutor's Notice of Intent to Offer Transcripts under Rule 92 bis (D), 9 July 2001; *Prosecutor v. Brdjanin and Talic*, Case No.: IT-99-36-T, Decision on the "Objection and/or Consent to Rule 92 bis Admission of Witness Statements Number One" filed by Brdjanin on 16 January 2002 and "Opposition du General Talic a l'Admission des Depositions Recueillies en Application de l'Article 92 B du Reglement" filed by Talic on 21 January 2002, 30 Jan. 2002, para. 17; *Prosecutor v. Galic*, Case No.: IT-98-29-T, Decision on the Admission into Evidence of Written Statement By a Deceased Witness, Hamdija Cavcic, and Related Report Pursuant to Rule 92 bis (C), 2 Aug. 2002

<sup>808</sup> Milosevic trial transcript, ICTY, February 20, 2003; Pg. 16606-16607, 16609

<sup>809</sup> "Witness at the Process Against Slobodan Milosevic Accuses The Hague Tribunal of Defending Criminals," *RIA Novosti/Pravda* (Moscow), February 24, 2003



be tried if you don't agree to charge me falsely, to level false allegations against me? Is that true or not?

MARKOVIC: They spoke to me about the difficult position I was in. They warned me against the possible consequences and offered me an option in the form of accusing Milosevic, as the person who issued orders for those criminal offences, which would relieve me of liability before a criminal court.

MILOSEVIC: Is it true that they offered you a new identity, money, and sustenance for you and your family only so that you would falsely accuse me? Is that correct?

MARKOVIC: Yes, that's correct.

The Milosevic trial was a public relations disaster for the Tribunal. Tim Judah, an anti-Milosevic journalist who blames him for the wars in Slovenia, Croatia, Bosnia and Kosovo,<sup>810</sup> was dismayed as he watched the trial unfold. He wrote that "the trial of former Yugoslav president Slobodan Milosevic at The Hague is going horribly wrong, turning him in the eyes of the public from a villain charged with war crimes into a Serbian hero."<sup>811</sup>

Midway through the Prosecution case the London Times was lamenting the fact that "One of the ironies of Slobodan's trial is that it has bolstered his popularity. Hours of airtime, courtesy of the televised trial, have made many Serbs fall in love with him again."<sup>812</sup>

By August of 2004, the Milosevic trial had been going on for about three years and the Tribunal's credibility was in tatters. The Serbian public had been watching the coverage on TV and when the Serbian Human Rights Ministry conducted a public opinion poll it found that "three quarters of Serbian citizens believe that The Hague Tribunal is a political rather than a legal institution."<sup>813</sup>

Milosevic's popularity, on the other hand, was skyrocketing because of the case he was making at the Tribunal.<sup>814</sup> Milosevic had better poll numbers than the people who overthrew him in the October 5th coup. Public opinion polls showed Kostunica polling behind Milosevic.<sup>815</sup>

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<sup>810</sup> Tim Judah, "Is Milosevic Planning Another Balkan War?," Scotland on Sunday, March 19, 2000

<sup>811</sup> Tim Judah, "Serbia Backs Milosevic in Trial by TV - Alarm as Former President Gains the Upper Hand in War Crimes Tribunal," The Observer (London), March 3, 2002

<sup>812</sup> "Listening to Lady Macbeth," Sunday Times (London), January 5, 2003

<sup>813</sup> "Public Opinion Firmly Against Hague," B92 News (Belgrade), August 2, 2004

<sup>814</sup> "Serbian Poll Shows Positive Attitude Toward Milosevic Rising," BBC Monitoring International Reports, February 17, 2005; Source: Beta news agency, Belgrade, in Serbian 1323 gmt 17 Feb 05

<sup>815</sup> "Opinion Poll Shows Milosevic More Popular in Serbia Than Premier," BBC Monitoring International Reports, April 22, 2005; Source: FoNet news agency, Belgrade, in Serbian 1320 gmt 22 Apr 05

By September 2005, Milosevic's critics were complaining that the live broadcasts of the trial were not having the desired political effect. His detractors urged Belgrade broadcaster B92 to take the US-sponsored broadcasts of his trial off the air. Political analyst Daniel Cveticanin wrote, "It seems that the coverage benefits more those it was supposed to expose than the Serbian public. [The] freedom-loving and democratic intentions of the live coverage have not produced [the] planned effects."<sup>816</sup>

While many of Milosevic's detractors wanted the live broadcasts pulled, his supporters were even more passionate that the daily trial broadcasts should continue.<sup>817</sup>

The simple fact that Milosevic's opponents wanted the trial hidden while his supporters wanted the whole thing broadcast wall to wall on live TV should give a clue about who had the better case.

## **IMPOSITION OF COUNSEL DESTROYS TRIBUNAL'S CREDIBILITY**

Milosevic's defense case began on August 31, 2004 with a two-day opening defense statement.

On September 2, 2004, before Milosevic even had a chance to call his first witness, the Trial Chamber took the unprecedented step of imposing a defense lawyer on him against his will.

The presiding judge explained that "The Chamber is satisfied on the basis of the Tribunal's Statute and the jurisprudence, as well as the law of many domestic jurisdictions that the right of an accused person to represent himself is not unfettered, and in the circumstances of this case, it is both competent to assign counsel to the accused and in the interests of justice to do so. We shall, therefore, do so."<sup>818</sup>

Milosevic denounced the decision saying, "I want the Appeals Chamber to consider this decision of yours, which is illegal, which violates international law, which violates every conceivable covenant on human rights. At the moment when I am supposed to exercise my right to defense, you decided to deprive me of that right. I believe that that's a scandal."<sup>819</sup>

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<sup>816</sup> "Debate Opens in Serbia Over Live Coverage of Milosevic War Crimes Trial," Associated Press Worldstream, September 22, 2005

<sup>817</sup> "Serbian NGO Opposes Decision to Drop Live Broadcast of Milosevic Trial," BBC Monitoring International Reports, October 8, 2003; Source: FoNet news agency, Belgrade, in Serbian 1300 gmt 8 Oct 03; See Also: "Serbia: Milosevic Sympathisers Protest Inadequate Coverage of Trial," BBC Worldwide Monitoring, June 10, 2002; Source: RTS TV, Belgrade, in Serbo-Croat 1730 gmt 10 Jun 02

<sup>818</sup> Milosevic Trial Transcript, ICTY, September 2, 2004; Pg. 32358

<sup>819</sup> Ibid.; Pg. 32360

Article 21.4(D) of the Tribunal's own statute as well as article 14.3(D) of the International Covenant on Civil and Political Rights guarantees all accused persons the minimum right "to defend themselves in person or through legal assistance of their own choosing".

The Trial Chamber's decision to impose counsel on Milosevic against his will was a clear violation of that minimum guarantee. The Trial Chamber's assertion that the decision to impose counsel was grounded in "statute and jurisprudence" is pure fallacy. The Statute explicitly forbids imposing counsel on an unwilling defendant and the jurisprudence is nonexistent, never in the history of the Tribunal had a lawyer been imposed on an unwilling defendant.

The Tribunal chose two British lawyers to represent Milosevic: Mr. Steven Kay and Ms. Gillian Higgins. The two had previously worked for the Tribunal as *amicus curiae* in the Milosevic trial.<sup>820</sup>

The decision to impose Kay and Higgins as counsel on Milosevic was all the more scandalous because they had already said that they weren't competent to defend him. In their role as *amicus curiae* they had filed submissions opposing the imposition of a lawyer on Milosevic. In their submission they said that "an imposed lawyer would not be in a position to positively advance a defense or contest evidence during the trial."<sup>821</sup>

The Trial Chamber said that it was imposing counsel on Milosevic to protect his health and the reputation of the Tribunal.<sup>822</sup> Interestingly, they wouldn't have the same concern for his health when he told them that he needed heart surgery, but more about that later.

The decision to impose counsel on Milosevic against his will was roundly condemned and brought the Tribunal further into disrepute. The imposed lawyers found themselves unable to function, because the witnesses they were supposed to call denounced the trial as a farce and refused to testify.

James Bissett, the former Canadian ambassador to Yugoslavia, had previously agreed to testify at the trial, but after the Tribunal decided to impose counsel on Milosevic he informed them that he was not willing to testify until Milosevic's right to self-defense was restored. He sent the Tribunal a letter saying, "The proceedings have taken on all of the characteristics of a Stalinist show trial. I do not want to be part of this travesty of justice. The frightening part is that it now seems evident justice was never a consideration of the Tribunal."<sup>823</sup>

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<sup>820</sup> ICTY Case No. IT-02-54 Prosecutor v. Slobodan Milosevic, Order on the Modalities to be Followed by Court Assigned Counsel, September 3, 2004

<sup>821</sup> ICTY Case No. IT-02-54 Prosecutor v. Slobodan Milosevic, *Amici Curiae* Submissions in Response to the Trial Chamber's "Further Order on Future Conduct of the Trial Concerning Assignment of Defence Counsel" Dated 7 August 2004, August 13, 2004

<sup>822</sup> Milosevic trial transcript, ICTY, September 15, 2004; Pg. 32838

<sup>823</sup> *Ibid.*; Pg. 32876-32877

The Canadian ambassador wasn't the only one denouncing the Tribunal. George Kinney, the man in charge of the Yugoslavia Desk at the US State Department during the early 1990s, transmitted his refusal to testify, saying; "the proceedings have become inherently unfair, amounting to no more than a political show trial with no authentic legal legitimacy."<sup>824</sup>

The Tribunal received numerous letters of this nature in response to its decision to impose counsel on Milosevic. Eventually the political pressure got so unbearable that on November 1, 2004 the ICTY Appeals Chamber restored Milosevic's right to conduct his own defense. Their ruling stated that the Trial Chamber's original ruling had been "grounded on a fundamental error of law" and that "it was an abuse of discretion to curtail [Milosevic's] participation in the trial so dramatically."<sup>825</sup>

## MILOSEVIC'S DEFENSE

Milosevic's defense was broadly aimed at debunking the prosecution's thesis that he had been involved in a joint criminal enterprise to create a "Greater Serbia".

Milosevic's case was that the wars were the result of the unlawful acts of others - namely attempts by the Slovenes, Croats, Muslims and Kosovo Albanians to secede from Yugoslavia through the use of violence.

The Prosecution claimed that Serbian security forces had conducted a widespread and systematic campaign of repression and ethnic cleansing against Kosovo's ethnic Albanian population. The indictment said: "While holding positions of superior authority, Slobodan Milosevic [was] individually criminally responsible for the acts or omissions of [his] subordinates ... A superior is responsible for the acts of his subordinates if he knew or had reason to know that his subordinates were about to commit such acts or had done so, and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish their perpetrators."<sup>826</sup>

Milosevic defended himself from this charge by showing that there was no widespread and systematic campaign of persecution, and by demonstrating that measures were taken to prevent and punish crimes against the civilian population in Kosovo.

The orders that Milosevic issued to the state security forces in Kosovo through the Supreme Command were crystal clear:

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<sup>824</sup> Ibid.; Pg. 32877-32878

<sup>825</sup> ICTY Appeals Chamber, Slobodan Milosevic v. Prosecutor, Decision on Interlocutory Appeal of the Trial Chamber's Decision on the Assignment of Defense Counsel, November 1, 2004; ¶ 17, 19

<sup>826</sup> Milosevic indictment, ICTY, Bosnia: Amended Indictment, April 21, 2004

“Any individual, whether military personnel or civilian, who violates or orders, incites, assists or participates in the violation of the principles, rules and regulations of international laws of war shall be held personally responsible for that violation.

Ignorance of the provisions of the rules and regulations of international laws of war shall not exclude the liability of those who violate these provisions.

“Any military officer who knows that there have been violations of the principles, rules and regulations of international laws of war and does not initiate disciplinary or criminal proceedings shall be held personally responsible.”<sup>827</sup>

In addition to the orders from the Supreme Command, each soldier was issued a pamphlet drawn up by the International Red Cross that outlined international humanitarian law and the Geneva Conventions.<sup>828</sup>

Unfortunately, as in any army, there were soldiers that didn’t follow orders. Milosevic’s government undertook measures to prosecute these soldiers. Yugoslav military courts prosecuted 254 of their own soldiers for a variety of crimes against civilians in Kosovo ranging from crimes against property to assault and murder.<sup>829</sup> In the most extreme cases, soldiers prosecuted for murder were given the death sentence.<sup>830</sup>

It should be noted that the actual number of criminal prosecutions was even greater. 254 soldiers were prosecuted for offenses against civilians by military courts during the first 45 days of the war. When the war ended the military courts were abolished, but the prosecutions were continued in Serbia’s civilian courts.

In addition to prosecutions against military personnel, some 200 Serbian police officers were prosecuted by Serbian courts for criminal offenses against the civilian population in Kosovo during the war.<sup>831</sup>

Although Serbian security forces undoubtedly committed some crimes in Kosovo, the scale of their crimes has been wildly exaggerated. The policy of Milosevic and Serbia’s state authorities was to prosecute crimes against the civilian population, not to condone or encourage them.

The professionalism and ethics of Serbia’s security forces can be put up against any modern Western military force. In 2007 the Pentagon commissioned a

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<sup>827</sup> Milosevic trial exhibit 323, tab 5; Orders of the Supreme Command Staff of Yugoslavia, 2 April 1999, 10 May 1999; See Also: Milosevic trial transcript, ICTY, March 15, 2005; Pg. 37457

<sup>828</sup> Testimony of Gen. Radomir Gojovic (head of the Legal Directorate of the Yugoslav Defense Ministry), Milosevic trial transcript, ICTY, March 15, 2005; Pg. 37454-37455

<sup>829</sup> Ibid.; Pg. 37489

<sup>830</sup> Ibid.; Pg. 37487

<sup>831</sup> Testimony of prosecution witness Radomir Markovic (former chief of Serbian State Security), Milosevic Trial Transcript, ICTY, July 26, 2002; Pg. 8729

survey of US troops in Iraq and found that less than half of Marines and a little more than half of soldiers said they would report a member of their unit for killing or wounding an innocent civilian. More than 40 percent supported the use of torture in intelligence gathering, and one in ten soldiers said that they had personally mistreated Iraqi civilians by physically assaulting them or by destroying their property when it wasn't necessary.<sup>832</sup>

## **RESPONSIBILITY FOR WAR CRIMES**

War is an evil institution. No matter how well the men are trained, no matter how strict the discipline, when men are put into a situation in which they have to dehumanize and kill other people in order to survive bad things will happen. In the annals of warfare nobody has ever fought a "clean war". War crimes are the nature and the consequence of war itself.

That being said, there are two types of war: defensive war and aggressive war. Defensive war is a necessary evil – when you're attacked you have to defend yourself. Aggressive war is fought by choice usually for some political or economic objective.

Milosevic was fighting a defensive war in Kosovo. The KLA and NATO attacked Yugoslavia, and fighting a defensive war was the only option available to Milosevic.

The fact that some of Milosevic's subordinates may have committed crimes in Kosovo does not make him a war criminal. Milosevic didn't order them to commit crimes; in fact, he ordered them not to and did his best to prosecute them when they did.

NATO and the KLA waged an aggressive war against Yugoslavia. They attacked Yugoslavia and went to war of their own choosing. Every war crime that was committed in Kosovo is the direct consequence of their decision to start the war.

Justice Robert Jackson of the Nuremberg War Crimes Tribunal said, "War is essentially an evil thing. Its consequences are not confined to the belligerent states alone but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime, it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

Aggression and crimes against peace are not criminal offenses under the ICTY statute. An accused can be prosecuted for crimes inadvertently committed in the course of a defensive war, while the people who instigated the conflict enjoy impunity.

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<sup>832</sup> "Many Troops in Iraq Lack Ethics, US Finds," *The Associated Press*, May 5, 2007

Although it is frequently compared to Nuremberg, the ICTY operates on an entirely different set of principles.

Walter J. Rockler, who served as a prosecutor at the Nuremberg Tribunal, wrote about the NATO attack on Yugoslavia saying:

“We have engaged in flagrant military aggression, ceaselessly attacking a small country primarily to demonstrate that we run the world. The rationale that we are simply enforcing international morality, even if it were true, would not excuse the military aggression and wide spread killing that it entails. It also does not lessen the culpability of the authors of this aggression.

“As a primary source of international law, the judgment of the Nuremberg Tribunal in the 1945-1946 case of the major Nazi war criminals is plain and clear.

“At Nuremberg, the United States and Britain pressed the prosecution of Nazi leaders for planning and initiating aggressive war. Supreme Court Justice Robert Jackson, the head of American prosecution staff, asserted, ‘that launching a war aggression is a crime and that no political or economic situation can justify it.’<sup>833</sup>

The trial of Slobodan Milosevic was a political show trial. Its purpose was to absolve NATO leaders of criminal responsibility by putting the blame on Milosevic instead.

## **A NATO TRIBUNAL**

As one might expect, Milosevic denounced the Tribunal as a kangaroo court. He said, “This Tribunal is a propaganda instrument of NATO. There can be no question of any independence at all.”<sup>834</sup>

Milosevic’s claims about the Tribunal have been corroborated by high-ranking officials in NATO and the U.S. Government, as well as by former staffers of the Tribunal.

NATO spokesman Jamie Shea frequently boasted of NATO’s relationship with the Tribunal. He said, “NATO countries are those which pushed for this Tribunal to be established under a UN Security Council Resolution. We are the countries that overwhelmingly support this Tribunal, finance this Tribunal. The United States supplies the President, Canada supplies the Chief Prosecutor and NATO countries provide many of the other judges and officials of the Tribunal”<sup>835</sup>

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<sup>833</sup> “War Crimes Law Applies to US Too,” Chicago Tribune, May 23, 1999

<sup>834</sup> Milosevic Trial Transcript, August 31, 2004, Pg. 32178

<sup>835</sup> M2 PRESSWIRE; May 28, 1999; NATO Transcript of press conference given by Mr Jamie Shea and Major General Walter Jertz in Brussels

On another occasion Shea told reporters that “Without NATO countries, there would be no International Court of Justice nor would there be any International Criminal Tribunal for the Former Yugoslavia, because NATO countries are in the forefront of those who have established these two tribunals, who fund these tribunals, and who support on a daily basis, their activities.”<sup>836</sup>

When NATO bombed Yugoslavia in 1999 it was widely criticized for hitting civilian targets including hospitals, churches, schools, commuter trains, television stations, refugee columns, and even foreign embassies. In light of the indiscriminate nature of the bombing campaign a reporter asked Shea if he was concerned that the Tribunal might indict NATO officials for war crimes.

Shea wasn’t concerned at all, he said: “I believe that when Justice Arbour starts her investigation, she will because we will allow her to. It’s not Milosevic that has allowed Justice Arbour her visa to go to Kosovo to carry out her investigations. If her court, as we want, is to be allowed access, it will be because of NATO so NATO is the friend of the Tribunal, NATO are the people who have been detaining indicted war criminals for the Tribunal in Bosnia. We have done it, 14 arrests so far by SFOR, and we will continue to do it.

“NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, and of course to build a second chamber so that prosecutions can be speeded up so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality and I don’t anticipate any others at this stage.”<sup>837</sup>

Lester Munson, in his capacity as Communications Director for the U.S. House of Representatives Committee on International Relations, took Shea’s answer a step further and said: “You’re more likely to see the UN building dismantled brick-by-brick and thrown into the Atlantic than to see NATO pilots go before a UN tribunal.”<sup>838</sup>

Western policy makers have boasted that they see the Tribunal as a “tool” that exists to serve their political needs.

In an interview with BBC Radio, former U.S. Assistant Secretary of State Richard Holbrooke said, “When President Clinton brought me back to Washington to take over the Bosnia negotiations, I realized that the War Crimes Tribunal

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<sup>836</sup> Federal News Service; MAY 17, 1999, MONDAY; DAILY NATO BRIEFING RE: KOSOVO BRIEFERS: NATO SPOKESMAN JAMIE SHEA, MAJOR GENERAL WALTER JERTZ, SHAPE NATO HEADQUARTERS BRUSSELS, BELGIUM

<sup>837</sup> “Press Conference Conducted by NATO Spokesperson Jamie Shea and Major Gen. W. Jertz,” M2 Presswire, May 17, 1999

<sup>838</sup> “Arbour Draws US Ire Over Remarks About NATO Pilots”, Monday, May 24, 1999, UN Wire, <[http://www.unwire.org/unwire/19990524/2768\\_story.asp](http://www.unwire.org/unwire/19990524/2768_story.asp)>; See also: “We’ll never hand pilots to Arbour: U.S. official”, National Post (Canada), May 22, 1999



was a huge valuable tool. We used it to keep the two most wanted war criminals in Europe - Karadzic and Mladic - out of the Dayton peace process and we used it to justify everything that followed.”<sup>839</sup>

James Luko was an eight-year veteran of the Tribunal. He worked in the Office of the Prosecutor (OTP) as an operations officer and he served as the deputy chief of the Tribunal’s liaison office in Belgrade.

According to Luko, the Tribunal was infiltrated by foreign intelligence agents who successfully worked to undermine its independence. He writes: “The vast majority of those who worked for their national intelligence agencies, while employed by the Tribunal, were in the Tribunal’s ‘military analysis’ section. Also, some lead investigators and several senior OTP members were working for their national intelligence agencies. Everyone who knew anything made frequent trips to their embassies, including myself. The difference is I went to give briefings, but others went to get orders.

“I have no doubt that certain judges lack independence and therefore the Chambers do not have ‘independence of the judiciary,’ which is paramount in obtaining a fair trial. I have no hesitation to pronounce that third parties manipulated and directed many key investigators to lead the investigations, resources, and management of cases in alternate directions.”<sup>840</sup>

## MILOSEVIC’S DEATH

Throughout Milosevic’s detention in The Hague, it was a known fact that he had a heart condition. By the latter half of 2005 his condition was getting worse, and it was clear that he needed urgent medical attention.

In November 2005 a team of doctors from the Bakulev Medical Center in Moscow traveled to The Hague to examine him. They determined that he needed heart surgery, which they were willing to perform at their facility in Moscow.<sup>841</sup>

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<sup>839</sup> Interview with Richard Holbrooke, “United Nations or Not? The Final Judgement: Searching for International Justice”, BBC Radio, September 9, 2003

<[http://www.bbc.co.uk/radio4/news/un/transcripts/transcript\\_programme3.shtml](http://www.bbc.co.uk/radio4/news/un/transcripts/transcript_programme3.shtml)>

<sup>840</sup> James Luko, “Karadzic: Justice Denied,” September 24, 2009

<<http://www.nolanchart.com/article6904.html>> Luko’s statement appears in the comments below the main article.

<sup>841</sup> December 19, 2005 e-mail from Dr. Shumilina to Slobodan Milosevic’s assigned counsel outlined the proposed treatment: “A complex ultrasonic of the vascular pathology, especially brachiocephal arteries and veins; echocardiography and stress echocardiography; Holter monitoring and daily monitoring of the blood pressure; ‘estimation’ of the homeostasis: investigation of the brachiocephal and coronary vessels with contrast media; and PEI (position-emission imaging) of the brain and of the heart. Endovascular or surgical decompression of the right vertebral artery, the stenting of brachiocephal or cardiac arteries, carotid endarterectomy, or even bypass surgery may be necessary to perform.”

On December 12, 2005, Milosevic asked the Tribunal to let him receive the urgently needed medical treatment at the Bakulev Medical Center in Moscow.<sup>842</sup>

The Tribunal denied his request. They told him that the request was not made properly, and that it would not be considered unless they received guarantees that he would return to complete the trial.

On January 18, 2006, the Russian Government provided the Tribunal with written guarantees that Milosevic would be returned to The Hague to complete the trial once his surgery was over.

In spite of the Russian Government's guarantees, on February 23, 2006, the Trial Chamber denied Milosevic's request for medical treatment in Moscow.<sup>843</sup>

The next day, Milosevic filed an appeal against the Trial Chamber's decision.<sup>844</sup> He wouldn't live long enough to see the appeal process through; early on the morning of March 11, 2006, Slobodan Milosevic had a heart attack and died.<sup>845</sup>

Dr. Leo Bokeria, the coronary specialist who would have overseen Milosevic's treatment at the Bakulev Medical Center, said: "If Milosevic was taken to any specialized Russian hospital, the more so to such a stationary medical institution as ours, he would have been subjected to coronographic examination, two stents would be made, and he would have lived for many long years to come. A person has died in our contemporary epoch, when all the methods to treat him were available and the proposals of our country and the reputation of our medicine were ignored. As a result, they did what they wanted to do."<sup>846</sup>

The Tribunal gave Milosevic a death sentence. They didn't condemn him on the basis of evidence presented in the trial; they denied him proper medical care until he died.

## **WAS IT MURDER?**

At best, the Tribunal was negligent. At worst, the staff in the Tribunal's detention unit poisoned Milosevic by slipping him Rifampacin, a powerful antibiotic used to treat tuberculosis and leprosy, which would counteract the effect of the high blood pressure medicine he was taking.

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<sup>842</sup> Milosevic trial transcript, ICTY, December 12, 2005; Pg. 47258

<sup>843</sup> ICTY Case No. IT-02-54 Prosecutor v. Slobodan Milosevic, Decision on Assigned Counsel Request for Provisional Release, February 23, 2006

<sup>844</sup> Milosevic trial transcript, ICTY, February 24, 2006; Pg. 48771

<sup>845</sup> "Preliminary Autopsy Results of Slobodan Milosevic," ICTY Press Release (The Hague), March 12, 2006; AM/MOW/1052e

<sup>846</sup> "Milosevic Could Be Saved if He Was Treated in Russia - Bokeria," Itar-Tass (Russia), March 15, 2006

Doctors found Rifampacin in Milosevic's blood on January 12, 2006, but they did not tell him about it until almost two months later (March 3rd or 7th, depending on whether you believe Milosevic or the Tribunal).

On March 8, 2006, Milosevic, through his attorney Zdenko Tomanovic, sent a letter to the Russian Ministry of Foreign Affairs to express his fear that the Tribunal was poisoning him. His letter said:

"I think that the persistence, with which the medical treatment in Russia was denied, in the first place is motivated by the fear that through careful examination it would be discovered, that there were active, willful steps taken, to destroy my health, throughout the proceedings of the trial, which could not be hidden from Russian specialists.

"In order to verify my allegations, I'm presenting you a simple example which you can find in the attachment. This document, which I received on March 7, shows that on January 12th (i.e. two months ago), an extremely strong drug was found in my blood, which is used, as they themselves say, for the treatment of tuberculosis and leprosy, although I never used any kind of antibiotic during this 5 years that I'm in their prison.

"Throughout this whole period, neither have I had any kind of infectious illness (apart from flu).

"Also, the fact that doctors needed 2 months (to report to me), can't have any other explanation than that we are facing manipulation. In any case, those who foist on me a drug against leprosy surely can't treat my illness; likewise those from whom I defended my country in times of war and who have an interest to silence me."

Within 72 hours of writing that letter Slobodan Milosevic was dead.

The Tribunal's official report on the inquiry into his death confirmed that, "Rifampicin had been found in a blood sample taken from Mr. Milosevic on 12 January 2006." And that "Mr. Milosevic was not told of the results until 3 March 2006 because of the difficult legal position in which Dr. Falke (the Tribunal's chief medical officer) found himself by virtue of the Dutch legal provisions concerning medical confidentiality."<sup>847</sup>

There is no provision in Dutch law that prevents a doctor from telling a patient the results of his own blood test. The explanation that the Tribunal's doctor couldn't tell Milosevic the results of his own blood test because Dutch medical confidentiality laws prevented him from doing so is a lie.

The truth is that the Tribunal had no regard for medical confidentiality at all. Classified U.S. State Dept. cables published by Wikileaks show that the ICTY

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<sup>847</sup> Judge Kevin Parker (Vice-President of the ICTY), Report to the President of the ICTY: Death of Slobodan Milosevic, May 2006; ¶ 31, 76

personnel discussed Slobodan Milosevic's medical condition and his medical records with the U.S. embassy staff in The Hague without his consent.<sup>848</sup>

The possibility that Milosevic was deliberately poisoned cannot be ruled out. Milosevic had been the target of several assassination attempts in the past. In 1992 the British intelligence agency MI6 drafted a plan to assassinate him.<sup>849</sup> During the 1999 NATO attack on Yugoslavia, the Chinese Embassy was bombed because NATO thought he was in the embassy and wanted to kill him,<sup>850</sup> and on another occasion NATO fired a cruise missile into his bedroom at three in the morning.<sup>851</sup>

It is entirely possible that the Tribunal murdered Milosevic because they knew that no verdict convicting him could stand up to scrutiny. Dutch authorities denied the Milosevic family access to the blood samples taken during his autopsy, and they refused to let the medical specialists chosen by his family attend the autopsy.<sup>852</sup>

## CONSPIRACY THEORIES

Two days after Milosevic's death a prominent Dutch toxicologist named Donald Uges told New York Times reporter Marlise Simmons: "In late February, I was asked to check a blood sample for rifampicin and found it."

Not only did Uges claim to have found the drug, he told Simmons that he knew how it got there. He said, "It's like a James Bond story ... there was one escape for Milosevic out of prison, and that was to Moscow where his wife and son, and friends were. He wanted to go to Moscow on a one-way trip ... The only way he could do that was to accuse us, to say that Dutch doctors were not treating him well ... The only reason he could have taken [rifampicin] was to keep his blood pressure high, so he could say, 'I have to stay in Moscow because The Hague is too dangerous for me.'"<sup>853</sup>

He reiterated his claims to the French media saying, "I am sure [Milosevic] took the medicine himself" then, not content with divining who administered rifampicin, Uges divines why, "because [Milosevic] wanted a one-way ticket to

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<sup>848</sup> U.S. State Dept. Cable #03THEHAGUE2835\_a, "ICTY: An Inside Look Into Milosevic's Health and Support Network"

< [https://wikileaks.org/plusd/cables/03THEHAGUE2835\\_a.html](https://wikileaks.org/plusd/cables/03THEHAGUE2835_a.html) >

<sup>849</sup> Correspondence between MI6 agent Richard Tomlinson and John Wadham; September 11, 1998 (See appendix VI for full text)

<sup>850</sup> "US Strike on PRC Embassy Was 'Decapitation Attempt'," Defense & Foreign Affairs Strategic Policy (Alexandria, VA), Nov/Dec 2005; Vol.33, Iss. 11/12

<sup>851</sup> "The Night NATO Came to Call," Guardian Unlimited (UK), April 23, 1999

<sup>852</sup> Marko Milosevic's Letter to the Organs of the ICTY and the United Nations Regarding Judge Parker's Investigation into the Death of Slobodan Milosevic, July 17, 2006

<sup>853</sup> Marlise Simons, "Expert Suggests Milosevic Died In a Drug Ploy," The New York Times, March 14, 2006

Moscow ... that is why he took rifampicin.”<sup>854</sup> How Uges could deduce this from finding traces of a substance in a blood sample is a mystery.

Another mystery is this blood sample that Uges says he checked in February. When Milosevic’s legal associate, Branko Rakic, saw Uges making these bizarre claims in the media he asked the Tribunal for a copy of his report.

Rakic sent an e-mail to the Tribunal’s legal liaison officer stating “The only report from Dr. Uges that we have received is the one dated January 24, 2006, in which there is no mention of rifampicin. Please send me the report Dr. Uges was referring to in the media after President Milosevic’s death, or if such a report does not exist please confirm that for me in writing.”<sup>855</sup>

Two days later Rakic received the following reply, “Dear Branko, please be advised that the Registry is not aware of any report by Dr. Uges other than the one dated January 24, 2006.”<sup>856</sup>

Uges never met Milosevic, and never performed tests on his blood. On January 23, 2006 the ICTY Registrar sent Uges a copy of a report prepared by another doctor to get his opinion on why Milosevic wasn’t responding to his high blood pressure medication, the following afternoon Uges faxed his three page response back to the tribunal – that was the only correspondence he had with the Tribunal.

Uges never once mentioned rifampicin in his report to the Tribunal. Instead, he speculated that Milosevic wasn’t taking his blood pressure medicine. His report said, “In conclusion there are very strong indications for no, or a not regularly [sic] intake of the prescribed medication, mentioned in this report by the accused [sic]. It seems obvious that this could be the cause of his high persistent blood pressure in spite of this very strong antihypertensive [sic] medication.”<sup>857</sup>

Uges told the Tribunal that Milosevic’s blood pressure was high because he wasn’t taking his medicine, and he told the media that Milosevic’s blood pressure was high because he made it high on purpose by taking rifampicin.

The medical documents published by the Tribunal indicate that Uges never tested Milosevic’s blood and never found rifampicin.<sup>858</sup> He’s a complete fraud, but he did manage to misdirect the media. His theories generated hundreds of bogus media reports.

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<sup>854</sup> “Milosevic took wrong medicine to escape UN court: expert,” Agence France Presse, March 13, 2006 Monday

<sup>855</sup> Branko Rakic’s e-mail to Yaiza Alvarez Reyes “Re: Medical Report by Dr. Uges,” April 17, 2006

<sup>856</sup> Yaiza Alvarez Reyes’s e-mail to Branko Rakic, “Re: Medical Report by Dr. Uges,” April 19, 2006

<sup>857</sup> Dr. Uges’s fax to the ICTY Registrar, January 24, 2006 14:41 (CET)

<sup>858</sup> The rifampicin was found in the January 12th blood sample by Dr. Daniel J. Touw, who forwarded his findings to Dr. Falke at the UN Detention Unit, who didn’t tell Milosevic until March 3rd or 7th.

By abusing his professional credentials and lying to the media Uges diverted public attention away from the cold hard fact that Milosevic died because he needed heart surgery and the Tribunal wouldn't let him have it.

The Dutch autopsy report makes everything clear: "Slobodan Milosevic, aged 64, appeared to have had severe anomalies of the cardiac muscle and coronary arteries, which resulted in a heart attack. This heart attack fully explains the death.

"As to the question of why this heart attack occurred precisely when it did, the autopsy and subsequent microscopic examination showed no anatomical factors which could be considered as triggering factors for a heart attack. The toxicological investigation showed no toxicologically identified factors which could induce a heart attack. Therefore, no (additional) factors were found which would explain why the heart attack occurred precisely when it did."<sup>859</sup>

One of the doctors present at the autopsy commented that "The patient died because of myocardial infarction due to narrowing of the LAD [left descending artery] and muscular bridge over that vessel. He could be treated easily at any place of the world either by minimally invasive surgery on the beating heart or by angioplasty and stenting."<sup>860</sup>

We may never know what motivated Dr. Uges to lie the way he did. Perhaps his 20-year friendship with the late Barend Cohen, an outspoken advocate of the Kosovo-Albanian cause, is what motivated him.<sup>861</sup>

## EPILOGUE

In April 2006, only weeks after Milosevic's death, the Tribunal terminated the employment of Geoffrey Nice, the lead prosecutor in the Milosevic trial. According to reports published by the Serbian press, Nice was sacked amid allegations of sexual harassment. He was alleged to have fondled witnesses and staffers on the premises of the Tribunal.<sup>862</sup>

After failing to present a credible case against Milosevic, prosecution staff began to publicly accuse one another of sabotaging their own case in the wake of

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<sup>859</sup> Judge Kevin Parker (Vice-President of the ICTY), Report to the President of the ICTY: Death of Slobodan Milosevic, May 2006

<sup>860</sup> Ibid.

<sup>861</sup> Uges is interviewed in Cohen's obituary. See: Gerlof Leistra, "Gedreven Grondlegger", Reed Business Information B.V. Elsevier (Holland), July 2, 2005; In an interview with the Kosovo-Albanian media Cohen accused Milosevic's government of "genocide" in Kosovo and accused Serbia of imprisoning Kosovo-Albanian women and children in "concentration camps." See: "I have information that women and children are kept hostage", Koha Ditore, July 16, 1998 <<http://www.bndlg.de/~wplarre/day1492a.htm>>

<sup>862</sup> "Hague Tribunal Prosecutor Geoffrey Nice Leaving Under Accusation of Sexual Harassment," Srpski Nacional (Belgrade), April 27, 2006

Milosevic's death. Geoffrey Nice sent a letter to the Croatian newspaper Jutarnji List accusing his former boss Carla del Ponte of cutting a deal with the Serbian government to suppress evidence of Milosevic's alleged role in the Bosnian war.<sup>863</sup> Del Ponte vehemently denied Nice's allegations, and shortly thereafter her spokesperson sent her own letter to Jutarnji List pointing the finger right back at Nice. Florence Hartmann accused the British barrister of being an MI6 agent out to sabotage the work of the Tribunal.<sup>864</sup>

If there is a silver lining to any of this, it is that Milosevic effectively used his trial to set the record straight on ten years of Balkan history. The most frequently cited sources in this book are the transcripts from his trial and others in The Hague.

Slobodan Milosevic died with his honor intact. The last person that he spoke to before he died was Milorad Vucelic, an official in the Socialist Party of Serbia. His last words were, "Don't you worry: They will not destroy me or break me; I shall defeat them all."<sup>865</sup>

Milosevic returned to Serbia a hero. According to police estimates, more than 500,000 people jammed the streets and the plaza in front of the Federal Assembly building in Belgrade to pay their final respects at his funeral.<sup>866</sup>

Slobodan Milosevic died defending his country and his people. During his opening defense statement at The Hague he told his accusers, "Gentlemen, you cannot imagine what a privilege it is, even in these conditions that you have imposed on me, to have truth and justice as my allies. I am sure you cannot even conceive this."<sup>867</sup>

## POSTHUMOUS EXONERATION

Ten years after his death, the trial chamber that tried former Bosnian-Serb president Radovan Karadzic unanimously concluded that Slobodan Milosevic was not part of a "joint criminal enterprise" targeting Muslims and Croats during the Bosnian war.

The Karadzic judgment states that "the Chamber is not satisfied that there was sufficient evidence presented in this case to find that Slobodan Milosevic agreed with the common plan" to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory.<sup>868</sup>

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<sup>863</sup> Geoffrey Nice's letter to the Croatian daily "Jutarnji list", April 15, 2007

<sup>864</sup> Florence Hartmann's letter to the Croatian daily "Jutarnji list", September 18, 2007

<sup>865</sup> "Aide Recounts Milosevic's Last Words," *The Associated Press*, March 11, 2006

<sup>866</sup> "More Than 500,000 People at Milosevic's Funeral," FOCUS News Agency (Bulgaria), March 18, 2006; 15:04 CET

<sup>867</sup> Milosevic trial transcript, ICTY, September 1, 2004; Pg. 32298

<sup>868</sup> ICTY, Karadzic Judgment, 24 March 2016, Para. 3460

The Karadzic trial chamber found that “the relationship between Milosevic and the Accused had deteriorated beginning in 1992; by 1994, they no longer agreed on a course of action to be taken. Furthermore, beginning as early as March 1992, there was apparent discord between the Accused and Milosevic in meetings with international representatives, during which Milosevic and other Serbian leaders openly criticised Bosnian Serb leaders of committing ‘crimes against humanity’ and ‘ethnic cleansing’ and the war for their own purposes.”<sup>869</sup>

The judges noted that Slobodan Milosevic and Radovan Karadzic both favored the preservation of Yugoslavia and that Milosevic was initially supportive, but that their views diverged over time. The judgment states that “from 1990 and into mid-1991, the political objective of the Accused and the Bosnian Serb leadership was to preserve Yugoslavia and to prevent the separation or independence of BiH, which would result in a separation of Bosnian Serbs from Serbia; the Chamber notes that Slobodan Milosevic endorsed this objective and spoke against the independence of BiH.”<sup>870</sup>

The Chamber found that “the declaration of sovereignty by the SRBiH Assembly in the absence of the Bosnian Serb delegates on 15 October 1991, escalated the situation,”<sup>871</sup> but that Milosevic was not on board with the establishment of Republika Srpska in response. The judgment says that “Slobodan Milosevic was attempting to take a more cautious approach”.<sup>872</sup>

The judgment states that in intercepted communications with Radovan Karadzic, “Milosevic questioned whether it was wise to use ‘an illegitimate act in response to another illegitimate act’ and questioned the legality of forming a Bosnian Serb Assembly.”<sup>873</sup> The judges also found that “Slobodan Milosevic expressed his reservations about how a Bosnian Serb Assembly could exclude the Muslims who were ‘for Yugoslavia’.”<sup>874</sup>

The judgment notes that in meetings with Serb and Bosnian Serb officials “Slobodan Milosevic stated that ‘[a]ll members of other nations and ethnicities must be protected’ and that ‘[t]he national interest of the Serbs is not discrimination’.”<sup>875</sup> Also that “Milosevic further declared that crime needed to be fought decisively.”<sup>876</sup>

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< [http://www.icty.org/x/cases/karadzic/tjug/en/160324\\_judgement.pdf](http://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf) >

<sup>869</sup> Ibid., Footnote 11027

<sup>870</sup> Ibid., Para.3276

<sup>871</sup> Ibid., Para. 2709

<sup>872</sup> Ibid., Para. 2710

<sup>873</sup> Ibid., Para. 2685

<sup>874</sup> Ibid., Para. 2687

<sup>875</sup> Ibid., Para. 3288

<sup>876</sup> Ibid., Para. 3284



The trial chamber notes that “In private meetings, Milosevic was extremely angry at the Bosnian Serb leadership for rejecting the Vance-Owen Plan and he cursed the Accused.”<sup>877</sup> They also found that “Milosevic tried to reason with the Bosnian Serbs saying that he understood their concerns, but that it was most important to end the war.”<sup>878</sup>

The judgment states that “Milosevic also questioned whether the world would accept that the Bosnian Serbs who represented only one third of the population of BiH would get more than 50% of the territory and he encouraged a political agreement.”<sup>879</sup>

At a meeting of the Supreme Defense Council the judgment says that “Milosevic told the Bosnian Serb leadership that they were not entitled to have more than half the territory in BiH, stating that: ‘there is no way that more than that could belong to us! Because, we represent one third of the population. [...] We are not entitled to in excess of half of the territory – you must not snatch away something that belongs to someone else! [...] How can you imagine two thirds of the population being crammed into 30% of the territory, while 50% is too little for you?! Is it humane, is it fair?!’”<sup>880</sup>

In other meetings with Serb and Bosnian Serb officials, the judgment notes that Milosevic “declared that the war must end and that the Bosnian Serbs’ biggest mistake was to want a complete defeat of the Bosnian Muslims.”<sup>881</sup> Because of the rift between Milosevic and the Bosnian-Serbs, the judges note that “the FRY reduced its support for the RS and encouraged the Bosnian Serbs to accept peace proposals.”<sup>882</sup>

The Tribunal’s determination that Slobodan Milosevic was not part of a joint criminal enterprise, and that on the contrary he “condemned ethnic cleansing”<sup>883</sup> is of tremendous significance because he got blamed for all of the bloodshed in Bosnia, and harsh economic sanctions were imposed on Serbia as a result.

In 2017 the judges in the Mladic trial came to the same conclusion. They found that “The evidence received by the trial chamber did not show that Slobodan Milosevic ... participated in the realization of the common criminal objective” to establish an ethnically-homogenous Bosnian-Serb entity through the commission of crimes alleged in the indictment.<sup>884</sup>

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<sup>877</sup> Ibid., Para. 3289

<sup>878</sup> Ibid., Para. 3295

<sup>879</sup> Ibid., Para. 3290

<sup>880</sup> Ibid., Para. 3297

<sup>881</sup> Ibid., Para. 3293

<sup>882</sup> Ibid., Para. 3292

<sup>883</sup> Ibid., Para. 3280

<sup>884</sup> ICTY, Mladic Judgment, Vol. IV, 22 November 2017, Pg. 2090, Footnote 15357

Slobodan Milosevic's exoneration by the same Tribunal that denied him adequate medical care and killed him, is cold comfort for the people of Serbia. The Serbian people endured years of economic sanctions, NATO bombing campaigns, and the illegal dismemberment of their country because of the unfounded allegations against their president.

The people responsible for U.S. and NATO policy in the Balkans are a disgrace. They're the ones who should be held accountable and brought to justice.

# APPENDIX

## APPENDIX I

Full text of Milosevic's April 24, 1987 speech as translated by The Hague Tribunal's interpreters from the original videotape of the speech.

*Source: Milosevic Trial Transcript Pg. 35670 - 35680, Tuesday, 25 January 2005*

Comrades, before I say a few words about the substance of our today's discussions, I would like to say that there is no need for us to trade places as the lady said just a moment ago in order to ask for accountability. It is our duty.

And as for the unfortunate incident that happened here today and the police intervention that ensued, the responsibility for this intervention for which there was no reason will be established. This is completely clear.

Comrade Mitar, our chairman today, informed us about what was happening in front of the building, and you know quite well that within one minute we agreed that it is not - that it should not be the police maintaining order but that you should undertake that yourselves in the interests of the safety of citizens and children who were there. The proof that it was the right decision was the fact that order was maintained quite well and that people behaved with dignity.

Now, finally, I would like to say something about the substance of our talks. I would like to say something about how such gatherings are evaluated, qualified. To put it briefly, these gatherings are not the gatherings of nationalists. They are not the gatherings of enemies either. And precisely because of that, Comrades, and I know that the vast majority of those who are present here and those outside of it will side with me on this, that we must not allow such gatherings of citizens to be abused by nationalists. All honest people have to stand up against this, because we must guard our brotherhood and unity like the apple of our eye. This is the only way. Especially nowadays when the brotherhood and unity are threatened. We must and we can win.

We neither wish nor we can classify people into Serbs and Albanians, but we should distinguish among the honest and progressive people fighting for brotherhood and unity and national equality on the one hand and nationalists and counter-revolutionaries on the other hand. If we do not create and strengthen that front, Comrades, then there will be no Kosovo, no Serbia, and no Yugoslavia either.

Another issue that I would like to bring up is this: I want to assure you that all the problems that you have discussed here, literally every word will be con-

veyed to the members of the Central Committee of the Communist League of Serbia. They will be told about it not just for the purpose of informing them but in order to solve the problems within the institutional framework of our system. I had to say this in the beginning since it is physically impossible to discuss all of the questions that have been brought up here.

Comrades, everybody in entire Yugoslavia is aware of the fact that Kosovo is a great problem of our society, which is being resolved very slowly. However, I have to say that if Kosovo had been the only problem, or at least the only major problem of the Yugoslavia society, the issues would have been solved faster and better. However, the problem in Kosovo occurred at the same time as the great economic crisis when the standard of living drastically deteriorated, when prices went up and the rate of unemployment grew. There are also political problems.

You are aware of the fact that our country has been shaken by separatism and nationalism in many parts although not to such an extent as here in Kosovo.

And finally, there have been increasingly present aggressive anti-Yugoslav and anti-communist forces. Thus at the same time when there were many serious problems, our society and the League of Communists have a lot of problems they are dealing with, and this is why the solution is difficult to find.

The League of Communists has not always been united in solving all of these problems. Therefore, they could not be sufficiently efficient. I do not bring this up as a justification since I'm not entitled to but as a statement. The request for unity is the most important task facing the party today. This request that there be unity was mentioned in every speech at the session of the Serbian Central Committee recently held. I'm convinced that we have made a large step forward, moving into the direction of the unity of both the Serbian Central

Committee and the Yugoslav League of Communists. Only united can we solve many problems, and if we're not united we can solve none of them.

Despite many of the measures some of which you have mentioned as having been taken particularly in the past year, the situation in Kosovo, both the economic and political situation, continues to be dissatisfactory. Kosovo continues to be underdeveloped. There is a lot of unemployment. We have a lot of foreign debts. Exports are not satisfactory. We have a lot of buildings that have - where construction hasn't been finished and there is great abuse of work and the function of administration in various services, and this includes the realm of politics as well.

We discussed this problems today both at the Presidency meeting, and I can tell you that that was yesterday at the Presidency meeting of the Provincial Committee, these problems were raised. It was held yesterday at noon. We discussed these issues, and we also discussed the question of education and upbringing, cadres policy, and that that - there was still a spirit of separatism and

very often counter-revolutionary spirit prevailing there too. The fact that the Serbs and Montenegrins are leaving the area under economic, political and physical pressure, this, too, represents the last tragic exodus of the population in Europe, and the last time such processions of desperate people were seen was in the Middle Ages.

I know full well that you need not listen to stories of what happened in the past or just to have an analysis of the present situation. Nobody is interested in that any more. And that is quite logical, because you and all of us are interested and should be interested only in those agreements who - which will be able to change things for the better, which can resolve the situation we are all in, all of us together, you and then all of us together. But I do, nonetheless, wish to assure you that many measures have been taken in the field of financial/political relations, personnel policies, and that they are changing daily and that those changes will be even faster in the months to come.

The material development of Kosovo is something that is constantly being invested in. Separatism and nationalism have been treated as a counter-revolution, and there are substantial changes in personnel, policies, legal, administrative, ideological, and political measures are being put forward, but nobody is satisfied at the rate at which this is going, this process, neither in the Provincial Committee or in the Central Committee of the League of Communists of Serbia or Yugoslavia. And we observed that yesterday at the meeting of the Presidency that was held. However, the process is gaining acceleration, and I am convinced that it will be even faster in the times to come, and that is something that I wish to assure you of.

However, we must understand from this, and I don't want to imply or suggest a solution and say that we have any reason to be satisfied. Quite the contrary. Kosovo is still today the poorest part of our country and the Albanian separatists and nationalists seem to have calmed down somewhat. They think time is on their side. And of course circumstances are in their favour, too, but let them know this: They should know that on this territory, there will be no tyranny. The progressive people of Kosovo will not allow it. Neither will Serbia or Yugoslavia allow it.

As for politics, in the political view, we still have the idea that the request for an ethnically pure Kosovo is justified and possible, and that's where the crux of the matter lies, because it is from this kind of attitude whereby the Socialist Autonomous Province of Kosovo is considered to be a socio-political community of the Albanian nationality in Kosovo launched by the counter-revolution, we come to the logical continuation that in that sense the province should de facto and legally be transformed into a republic. So this is the first but not insignificant steps towards breaking up the territorial integrity of Serbia and Yugoslavia. And, Comrades, we have begun to tackle that. We have come to grips with that both in Kosovo and in Serbia and in Yugoslavia. Among all progressive people.

Bearing in mind all the achievements so far, everything that remains to be done, and much more remains to be done than has been achieved already, we are facing not tasks and obligations but a great party offensive, the goal of which should be the material and cultural development of Kosovo and a free life of dignity for each of its inhabitants. However, we must first of all clarify some misunderstandings. The inhabitants - when we say 'inhabitants,' we mean all the people living in the province of Kosovo and who are not singled out daily on the basis of their nationality or ethnic affiliation, just as we don't call them out as - on the basis of their sex or marital status. So we cannot speak either of a minority nation or a majority nation in Kosovo. It is the Serbs and Montenegrins. The Serbs and Montenegrins are not national minorities in relation to the Albanians in Kosovo, just as Albanians are not a national minority in Yugoslavia, but they live together on a footing of equality with all our other nations and nationalities within our three socialist republics. The stand for an ethnically pure Kosovo and economically and politically autonomous one is not possible ideologically, politically or ethnically either, and in the long-run, it is not in the interests of the Albanian people themselves.

Nationalism of this kind would exclude it from its environment and would not only slow it down but would put a stop to its development altogether, both in the economic sense and in a general sense, in a spiritual sense.

Enver Hoxha, through his policy, excluded the Albanian people as an under-developed society from Europe and thereby deprived them of taking part in the dynamic life of the present-day world, and this portion of the Albanian people, here and now, are aspiring towards Europe and a modern society and they should not be stopped along that path. Nationalism always means isolation from others, closing in upon oneself within one's own framework. It means lagging behind in development, because without progress and cooperation on an all Yugoslav level and broader afield, there can be no progress. Every nation and nationality which isolates itself is behaving irresponsibly towards its own development. That is why it is we communists in the first place who must do everything to eliminate the consequences of a nationalist and separatist behaviour on the part of the counter-revolutionary forces in Kosovo and also elsewhere in the country.

It is our goal here to emerge from this state of hatred, intolerance, and distrust. It is our goal that all the people of Kosovo should live well, should have a good life, and it is with respect to that goal that I wish to tell you first and foremost, Comrades, that it is your duty to remain here, to stay here. This is your country. These are our homes. These are your cultivated fields and gardens, and your memories lie here.

You're not going to leave your country, are you, just because you live hard there or because you have been weighed down by the injustices and humiliation? It has never been typical of the Serbian Montenegrin people to yield before obstacles and to become demoralised when facing a problem.

As I was saying, to become demoralised when facing a problem, when coming upon hard times. You must stay here because of your ancestors and because of your descendants. Otherwise, your ancestors would be disgraced and your descendants disappointed.

I do not suggest to you, Comrades, that in staying you put up with the suffering and the situation that you're not satisfied with. Quite the contrary. You must change the situation together with all other progressive people here in Serbia and Yugoslavia. Do not say to yourselves that you cannot stand alone. Of course you cannot stand alone, and we shall do it together. We in Serbia and everybody else in Yugoslavia will strive to change the situation. We cannot return the national structure of the Kosovo population, but we can stop further – the further exodus and provide conditions conducive to a good life to all people in Kosovo, living together and sharing their destiny and the economic opportunities that Kosovo has to offer and every other opportunity.

For some citizens in Europe, this demand seems to be absurd. It seems to be ridiculous to have to voice that demand in the present day world, and they rightly ask themselves about the life and work of the citizens, their security and equality, their rights and duties, because are they not regulated by the constitution and the law? Yes, they are if those laws are applied. When those laws are not applied, then they are not well regulated and that is when all these state authorities and administrative bodies must warn the political platform to do their duty.

Their duty to consistently enforce the constitutional laws in Kosovo is a duty that is up to us all; Serbs, Montenegrins, and Albanians as well, Comrades, because if we legalised this state of lawlessness, then all those who are exposed to lawlessness are endangered. "Today it is the Serbs and Montenegrins that suffer most from that, but tomorrow this could be the Albanians, too, and that is why, unless law and order is introduced and respected in the broader social

and historical sense, this will be the interest of all of the inhabitants of Kosovo. It is a very urgent matter which we must see to together in Kosovo.

And the second thing is this: We must talk about the return of people to Kosovo, especially experts, professionals. I firmly believe that you cannot stop the process of exodus until people are allowed and able to return to Kosovo. The return of the Serbs and Montenegrins to Kosovo is a process. It cannot be done by decree. People cannot be forced to go where they do not wish to live but we can launch a political campaign in order to provide material, economic, work and cultural conditions conducive to their return to Kosovo so that people who left Kosovo because of injustice and discontent can return. We must provide apartments for them and jobs for them and generally conditions for this to come about.

By creating all these - in order to create all these conditions, we must harness the strengths of all progressive people, communists, young people, and all honest and progressive people in Serbia. No price is too high to achieve this.

And in - we usually say in our political language that we're not in favour of campaigns but in favour of permanent lasting processes. In this case, the situation is urgent. It is alarming. We must launch a campaign, a real campaign to ensure that 50, 100, 200 professors, doctors, experts, professionals, skilled workers come back and then others will follow. This campaign must then become a process. Only then can we have any hopes of stopping the exodus of Serbs and Montenegrins from Kosovo. And the spirit of law and justice and progress must be embodied in the working class of Kosovo, because it has identical interests and least interest in becoming divided on a national basis. It is the working class that have always fought successfully against greater injustices. We cannot place our trust in any other people, ladies and gentlemen, Comrades, but in us ourselves.

That is what I wanted to tell you on this occasion, Comrades, with respect to this discussion of ours here today, and I would also like to convince you that every member of the leadership of the Socialist Republic of Serbia and the Socialist Federal Republic of Yugoslavia will always be ready for discussions of this kind and for a permanent presence in our joint activities, the joint endeavours discussed here by us today. Rest assured those are the sentiments which prevail throughout Yugoslavia. The whole of Yugoslavia is with you. We are not - we are conscious of the fact that this is not a problem of Yugoslavia alone. Yugoslavia cannot exist without Kosovo. Yugoslavia will become disintegrated without Kosovo. Yugoslavia and Serbia will not give up Kosovo.

Full text of Milosevic's June 28, 1989 speech as translated by The Hague Tribunal's interpreters from the original videotape of the speech.

*Source: Milosevic Trial Transcript Pg. 35787 - 35795, Wednesday, 26 January 2005*

Comrades, comrades, men and women. At this place, at this place in the heart of Serbia at the Field of Kosovo, six centuries ago, a full 600 years ago, one of the greatest battles of the time took place. Like all major events, there are many questions and secrets attached to this one and are the subject of public curiosity and scientific research. By the force of social circumstances, this great 600th anniversary of the battle of Kosovo is taking place in a year in which Serbia, after many years and many decades has regained its state, national, and spiritual integrity. It is not, therefore, difficult for us to answer today that age-old question: How are we going to face Milos, Milos Obilic? To replay of history and life, it seems as if Serbia has precisely in this year 1989 regained its states



and its dignity and thus is celebrating an event of the distant past which had a great historical and symbolic significance for its future.

Today it is difficult to say what is the historical truth about the battle of Kosovo and what is the legend, and today that is no longer important. Oppressed by pain and filled with hope, the people used to remember and to forget as, after all, all people in the world do, and it was ashamed of treachery and glorified heroism. That is why it is difficult to say today whether the battle of Kosovo is a defeat or victory for the Serb people. Whether thanks to it we fell into slavery or thanks to it we survived in that slavery. The answers to those questions will constantly be sought by science and the people. What has been certain through all the centuries is that today in that - there was disharmony that struck in Kosovo 600 years ago. If we lost the battle, then it was not only the result of social superiority and the armed advantage of the Ottoman Empire but also of the tragic disunity and discord in the leadership of the Serbian state at the time.

In the distant 1389, the Ottoman Empire was not only stronger than that of the Serbs but it was also more fortunate than the Serbian kingdom. The lack of unity and betrayal in Kosovo will continue to attend the Serbian people like an evil fate through the whole of its history. Even in the last war this discord and betrayal led the Serbian people in Serbia into an agony, the consequences of which in the historical and moral sense exceeded the fascist aggression. Even later when a socialist Yugoslavia was established, in this the new state the Serbian leadership remained divided, prone to compromise to the detriment of its own people. The concessions that many Serbian leaders made at the expense of their people could not be accepted either historically or ethnically by any nation in the world, especially because the Serbs have never in the whole of their history conquered and exploited others. Their national and historical being has been one of liberation throughout the whole of its history and through two world wars, as indeed it is today. They liberated themselves. And when they could, they also helped others to liberate themselves. The fact that in this region they are a major nation is not a Serbian sin or shame of any kind. It is an advantage which they have not used against others. But I must say here and now in this big legendary Field of Kosovo Polje that the Serbs have not used the advantage of being great for their own benefit either.

It is thanks to their leaders and politicians and their vassal mentality that they felt guilty before themselves and before others too. Discord among Serbian officials made Serbia lag behind and their inferiority humiliated Serbia.

This situation lasted for decades. It lasted for years, and here we are now standing on the Field of Kosovo Polje to say that this is no longer the case. Therefore, no place in Serbia is better suited for saying this than the Field of Kosovo. And there is no better place in Serbia which is better suited than Kosovo Polje to say that unity in Serbia will bring prosperity both to the Serbian

people in Serbia and each one of its citizens irrespective of their national or religious affiliation.

Serbia is today united and equal with the other republics and prepared to do everything in its power to improve its financial and social position and that of all its citizens. If there is unity, cooperation, and seriousness, it will succeed in that. That is why the optimism that is present in Serbia today to a considerable extent regarding the future days is realistic, because it is based on freedom which makes it possible for all people to express their positive, creative, and humane capabilities in order to further social - social life and their own private lives.

Serbia has never had only Serbs living in it. Today more than ever before in the past, we have members of other peoples and nationalities living in it. This is not a disadvantage or handicap to Serbia in any way. I am truly convinced that it is its advantage. And the national composition of almost all countries in the world today, particularly the developed ones, has been changing in its direction. Citizens of different nationalities, religions, and races have been living together more and more frequently and successfully. Socialism, as a progressive and just democratic society should not allow people to be divided in the national and religious sense. The only reasons one can and should allow in socialism are between hard-working people and idlers, between honest people and dishonest people. Therefore, all people living in Serbia who live on the basis of their own work, honestly and respecting all other people and other nations and nationalities in their own republic. After all, our entire country should be founded upon those principles.

Yugoslavia is a multinational community, and it can survive only under conditions of full equality for all the nations living within it. The crisis that has hit Yugoslavia has brought about national but also social divisions, cultural, religious, and many other less important divisions too. Among all these divisions the nationalist ones have shown themselves to be most dramatic. Resolving them will make it easier to remove other divisions and mitigate the consequences that these other divisions have created.

Ever since multinational communities have existed their weak point has always been the relations between the different nations. The threat is that a Damocles sword stands over their heads and that one nation might be endangered by another one day, and this can then start a wave of suspicion, accusations and intolerance, a wave that invariably grows and is difficult to stop. This threat has been hanging over all our heads and external enemies of multinational communities are aware of this and therefore they organise their activity against multinational societies mostly by fomenting national conflict. At this time we in Yugoslavia are behaving as if we have never had such an experience and that in our recent and more distant past we have not experienced all the tragedy that national conflicts have brought with them in a society and yet survive.

Equal and harmonious relations among Yugoslav peoples are a necessary condition for the perseverance and existence of Yugoslavia and a way out of its crisis, and especially a prerequisite for its economic and social prosperity and in this way Yugoslavia does not stand out from the social milieu of the present day, especially the developed world which is more and more marred by national tolerance, national cooperation and even national equality.

Modern economic and technological as well as political and cultural development has guided various peoples towards each other and this has made them interdependent and increasingly has made them equal. In the civilisation of the present day towards which mankind is striving, it can only be equal peoples, and if we cannot lead the way into such a civilisation certainly we must not be at its tail either.

At the time when this famous historical battle was fought in Kosovo, the people looked to the stars, expecting them to provide the answers and give them assistance. Today, six centuries later, they are looking to the stars again, waiting to conquer them. On the first occasion they could allow themselves to be disunited, to have hatred and treason because they lived in small, weakly interconnected worlds. Today as citizens of the planet, they cannot even conquer their own planet, let alone others, unless they live in mutual harmony and solidarity.

Therefore words devoted to unity, solidarity and cooperation among people have no greater significance anywhere else on the soil of our motherland than they do here in the Field of Kosovo, which is a symbol of discord and treason. In the memory of the Serbian people, this discord in unity was decisive for them losing the battle and the terrible fate that Serbia was to suffer for a full six centuries. Even if it were not so from a historical viewpoint it remains certain that the people regarded their disunity as its greatest disaster. Therefore, it is the obligation of the people to remove disunity and discord in order to protect themselves in future from defeat, failure, and stagnation.

The people in Serbia this year have become aware of the necessity for mutual harmony as indispensable for their present life and further development. I am convinced that this awareness about harmony and unity will enable Serbia not only to function as a state but also to function as a successful state. Therefore, I think that it makes sense to say this here and now in Kosovo Polje where disunity once upon a time tragically pushed Serbia back for centuries and endangered it and where renewed units may advance it, give it back its dignity. And it is this kind of awareness about mutual relations that constitutes an elementary necessity for Yugoslavia, too, because its fate is in the joined hands of all its people.

The Kosovo battle and heroism also contains another great symbol, and it is the symbol of heroism. We have poems and literature devoted to it and history is devoted to it, too. The Kosovo heroism has been inspiring our creative en-

deavours for six centuries. It has been feeding our pride and does not allow us to forget that once upon a time we were a great army, a brave army, and a proud army. One of the few who remained undefeated in defeat.

Six centuries later, in the present day today we are again engaged in battles and are having to face battles, but they are not armed battles, although such things cannot be excluded either. However, regardless of what kind of battles we're talking about, they cannot be won without the resolve, bravery and sacrifice of the people, without the noble qualities that were once present here in the Field of Kosovo Polje. Our main battle today concerns the implementation of economic, political, cultural, and general social prosperity to find a quicker and more successful approach to a civilisation in which people will be able to live in the 21st century. It is for this battle that we need heroism in particular. Of course of a somewhat different kind, but the kind of coverage and bravery without which nothing serious and great can be achieved in the world. And this remains an eternal truth and an eternal necessity.

Six centuries ago, Serbia heroically defended itself here in the Field of Kosovo, but it also defended Europe. Serbia at the time was the bastion that defended European culture, religion and society in general. Therefore, today it appears not only unjust but even unhistorical and completely absurd to talk of the Serbs belonging to Europe. Serbia has been a part of Europe incessantly. It is now as it was before. Of course always in its own way but in the way that in the historical sense never deprived it of its dignity.

And it is in this spirit that we now endeavour to build a society which is rich and democratic and thus to contribute to the prosperity of this beautiful country of ours and at this point unjustly suffering country but also to contribute to the efforts of all the progressive people of our age in the efforts they're making for a better and happier world.

Let the memory of Kosovo - of the Kosovo heroism live on forever. Long live Serbia. Long live Yugoslavia. Long live peace and brotherhood among peoples. For the strengthening of Serbia, so that Serbia could leave the times of crisis and start heading towards true progress.

Alternate translation of Speech by Slobodan Milosevic, delivered to 1 million people at the central celebration marking the 600th anniversary of the Battle of Kosovo, held on 28 June, 1989. Transcript compiled by the National Technical Information Service of the Department of Commerce of the US:

By the force of social circumstances this great 600th anniversary of the Battle of Kosovo is taking place in a year in which Serbia, after many years, after many decades, has regained its state, national, and spiritual integrity. Therefore, it is not difficult for us to answer today the old question: how are we going to face Milos [Milos Obilic, legendary hero of the Battle of Kosovo]. Through the play of history and life, it seems as if Serbia has, precisely in this year, in 1989, re-

gained its state and its dignity and thus has celebrated an event of the distant past which has a great historical and symbolic significance for its future.

### Serbian Character - Liberational

Today, it is difficult to say what is the historical truth about the Battle of Kosovo and what is legend. Today this is no longer important. Oppressed by pain and filled with hope, the people used to remember and to forget, as, after all, all people in the world do, and it was ashamed of treachery and glorified heroism. Therefore it is difficult to say today whether the Battle of Kosovo was a defeat or a victory for the Serbian people, whether thanks to it we fell into slavery or we survived in this slavery. The answers to those questions will be constantly sought by science and the people. What has been certain through all the centuries until our time today is that disharmony struck Kosovo 600 years ago. If we lost the battle, then this was not only the result of social superiority and the armed advantage of the Ottoman Empire but also of the tragic disunity in the leadership of the Serbian state at that time. In that distant 1389, the Ottoman Empire was not only stronger than that of the Serbs but it was also more fortunate than the Serbian kingdom.

The lack of unity and betrayal in Kosovo will continue to follow the Serbian people like an evil fate through the whole of its history. Even in the last war, this lack of unity and betrayal led the Serbian people and Serbia into agony, the consequences of which in the historical and moral sense exceeded fascist aggression.

Even later, when a socialist Yugoslavia was set up, in this new state the Serbian leadership remained divided, prone to compromise to the detriment of its own people. The concessions that many Serbian leaders made at the expense of their people could not be accepted historically and ethically by any nation in the world, especially because the Serbs have never in the whole of their history conquered and exploited others.

Their national and historical being has been liberational throughout the whole of history and through two world wars, as it is today. They liberated themselves and when they could they also helped others to liberate themselves. The fact that in this region they are a major nation is not a Serbian sin or shame; this is an advantage which they have not used against others, but I must say that here, in this big, legendary field of Kosovo, the Serbs have not used the advantage of being great for their own benefit either.

Thanks to their leaders and politicians and their vassal mentality they felt guilty before themselves and others. This situation lasted for decades, it lasted for years and here we are now at the field of Kosovo to say that this is no longer the case.

### Unity Will Make Prosperity Possible

Disunity among Serb officials made Serbia lag behind and their inferiority humiliated Serbia. Therefore, no place in Serbia is better suited for saying this than the field of Kosovo and no place in Serbia is better suited than the field of Kosovo for saying that unity in Serbia will bring prosperity to the Serbian people in Serbia and each one of its citizens, irrespective of his national or religious affiliation.

Serbia of today is united and equal to other republics and prepared to do everything to improve its financial and social position and that of all its citizens. If there is unity, cooperation, and seriousness, it will succeed in doing so. This is why the optimism that is now present in Serbia to a considerable extent regarding the future days is realistic, also because it is based on freedom, which makes it possible for all people to express their positive, creative and humane abilities aimed at furthering social and personal life.

Serbia has never had only Serbs living in it. Today, more than in the past, members of other peoples and nationalities also live in it. This is not a disadvantage for Serbia. I am truly convinced that it is its advantage. National composition of almost all countries in the world today, particularly developed ones, has also been changing in this direction. Citizens of different nationalities, religions, and races have been living together more and more frequently and more and more successfully.

Socialism in particular, being a progressive and just democratic society, should not allow people to be divided in the national and religious respect. The only differences one can and should allow in socialism are between hard working people and idlers and between honest people and dishonest people. Therefore, all people in Serbia who live from their own work, honestly, respecting other people and other nations, are in their own republic.

### Dramatic National Divisions

After all, our entire country should be set up on the basis of such principles. Yugoslavia is a multinational community and it can survive only under the conditions of full equality for all nations that live in it.

The crisis that hit Yugoslavia has brought about national divisions, but also social, cultural, religious and many other less important ones. Among all these divisions, nationalist ones have shown themselves to be the most dramatic. Resolving them will make it easier to remove other divisions and mitigate the consequences they have created.

For as long as multinational communities have existed, their weak point has always been the relations between different nations. The threat is that the question of one nation being endangered by the others can be posed one day - and this can then start a wave of suspicions, accusations, and intolerance, a wave that invariably grows and is difficult to stop. This threat has been hanging like a sword over our heads all the time. Internal and external enemies of mul-

ti-national communities are aware of this and therefore they organize their activity against multinational societies mostly by fomenting national conflicts.

At this moment, we in Yugoslavia are behaving as if we have never had such an experience and as if in our recent and distant past we have never experienced the worst tragedy of national conflicts that a society can experience and still survive.

Equal and harmonious relations among Yugoslav peoples are a necessary condition for the existence of Yugoslavia and for it to find its way out of the crisis and, in particular, they are a necessary condition for its economic and social prosperity. In this respect Yugoslavia does not stand out from the social milieu of the contemporary, particularly the developed, world. This world is more and more marked by national tolerance, national cooperation, and even national equality. The modern economic and technological, as well as political and cultural development, has guided various peoples toward each other, has made them interdependent and increasingly has made them equal as well [medjusobno ravnopravni]. Equal and united people can above all become a part of the civilization toward which mankind is moving. If we cannot be at the head of the column leading to such a civilization, there is certainly no need for us to be at its tail.

At the time when this famous historical battle was fought in Kosovo, the people were looking at the stars, expecting aid from them. Now, 6 centuries later, they are looking at the stars again, waiting to conquer them. On the first occasion, they could allow themselves to be disunited and to have hatred and treason because they lived in smaller, weakly interlinked worlds. Now, as people on this planet, they cannot conquer even their own planet if they are not united, let alone other planets, unless they live in mutual harmony and solidarity.

Therefore, words devoted to unity, solidarity, and cooperation among people have no greater significance anywhere on the soil of our motherland than they have here in the field of Kosovo, which is a symbol of disunity and treason.

In the memory of the Serbian people, this disunity was decisive in causing the loss of the battle and in bringing about the fate which Serbia suffered for a full 6 centuries.

Even if it were not so, from a historical point of view, it remains certain that the people regarded disunity as its greatest disaster. Therefore it is the obligation of the people to remove disunity, so that they may protect themselves from defeats, failures, and stagnation in the future.

Unity brings Back Dignity

This year, the Serbian people became aware of the necessity of their mutual harmony as the indispensable condition for their present life and further development.

I am convinced that this awareness of harmony and unity will make it possible for Serbia not only to function as a state but to function as a successful state. Therefore I think that it makes sense to say this here in Kosovo, where that disunity once upon a time tragically pushed back Serbia for centuries and endangered it, and where renewed unity may advance it and may return dignity to it. Such an awareness about mutual relations constitutes an elementary necessity for Yugoslavia, too, for its fate is in the joined hands of all its peoples. The Kosovo heroism has been inspiring our creativity for 6 centuries, and has been feeding our pride and does not allow us to forget that at one time we were an army great, brave, and proud, one of the few that remained undefeated when losing.

Six centuries later, now, we are being again engaged in battles and are facing battles. They are not armed battles, although such things cannot be excluded yet. However, regardless of what kind of battles they are, they cannot be won without resolve, bravery, and sacrifice, without the noble qualities that were present here in the field of Kosovo in the days past. Our chief battle now concerns implementing the economic, political, cultural, and general social prosperity, finding a quicker and more successful approach to a civilization in which people will live in the 21st century. For this battle, we certainly need heroism, of course of a somewhat different kind, but that courage without which nothing serious and great can be achieved remains unchanged and remains urgently necessary.

Six centuries ago, Serbia heroically defended itself in the field of Kosovo, but it also defended Europe. Serbia was at that time the bastion that defended the European culture, religion, and European society in general. Therefore today it appears not only unjust but even unhistorical and completely absurd to talk about Serbia's belonging to Europe. Serbia has been a part of Europe incessantly, now just as much as it was in the past, of course, in its own way, but in a way that in the historical sense never deprived it of dignity. In this spirit we now endeavor to build a society, rich and democratic, and thus to contribute to the prosperity of this beautiful country, this unjustly suffering country, but also to contribute to the efforts of all the progressive people of our age that they make for a better and happier world.

Let the memory of Kosovo heroism live forever! Long live Serbia!

Long live Yugoslavia!

Long live peace and brotherhood among peoples!



## APPENDIX II

BBC Summary of World Broadcasts (Reprinted for Fair Use) June 27, 1991, Thursday

SECTION: Part 2 Eastern Europe; B. INTERNAL AFFAIRS; YUGOSLAVIA; EE/1109/B/ 1;

LENGTH: 441 words

HEADLINE: FEC SAYS FEDERAL ARMY AND POLICE TO TAKE OVER SLOVENIA'S BORDERS

SOURCE: Tanjug in SerboCroat 0129 gmt 26 Jun 91 Text of report on FEC decision

BODY:

At its session tonight [25th June] , chaired by Ante Markovic, the FEC made a decision on how directly to ensure the implementation on the territory of the Republic of Slovenia of federal legislation regulating border crossings, the FEC Secretariat for Information announces. The decision is as follows:

In order to ensure the implementation of federal legislation regulating border crossings and movements in border zones in the territory of the Republic of Slovenia, and also to ensure the carrying out of the SFRY'S international duties and an undisrupted flow of international traffic and free movement of people across the state border, the Federal Secretariat for Internal Affairs will directly take over, that is, ensure the carrying out of the control services over crossings of the state border.

In its direct protection of the implementation of federal legislation regulating border crossings the Federal Secretariat for Internal Affairs will directly co-operate with the Federal Secretariat for National Defence so as also to engage Yugoslav Peoples' Army [JNA] border units in protecting state borders at border crossings and in built-up areas in the border zone.

The methods of carrying out this co-operation, as stated in paragraph 1 of this item, will be endorsed by an agreement between the Federal Secretary for Internal Affairs and the Federal Secretary for National Defence.

If a federal administrative organ or a federal organisation encounters physical or other resistance to the carrying out of its control of passengers and goods, or if such resistance is likely, workers of the Federal Secretariat for Internal Affairs are duty-bound to help that administrative organ, or federal organisation, at its request.

More detailed conditions and methods of carrying out this decisions will be specified by the Federal Secretary for Internal Affairs.

The Federal Secretariat for Foreign Affairs will inform the competent organs of the neighbouring states about the temporary regulation of crossing the state border in the territory of the Republic of Slovenia in line with this decisions.

In the second part of its session, the FEC issued an order banning the erection of so-called border crossings within the SFRY's territory which reads as follows

The installation of so-called border crossings within the SFRY's territory is forbidden. The border crossings that have already been set up must be removed on the day this order comes in effect.

The Federal Secretariat for Internal Affairs and the Federal Secretariat for National Defence will carry out this order.

### **APPENDIX III**

[NO DOCUMENTS]

### **APPENDIX IV**

BBC Summary of World Broadcasts (Reprinted for Fair Use) March 10, 1992, Tuesday

SECTION: Part 2 Eastern Europe; C. SPECIAL SUPPLEMENT; YUGOSLAVIA; EE/1325/C1/ 1;

LENGTH: 91 words

HEADLINE: BOSNIA-HERCEGOVINA IN BRIEF; Final results of referendum on independence SOURCE: Yugoslav News Agency in Serbo-Croat 1151 gmt 9 Mar 92

BODY:

(EE/1320 i - Text) Sarajevo, 9th March According to information from municipal election commissions, out of 3,253,847 registered voters, 2,073,568 citizens - that is 64.31% - voted in the referendum in the status of Bosnia-Herzegovina on 29th February and 1st March. Out of all valid votes, 2,061,932 - that is 99.4% of the valid votes - voted "for" [an independent and sovereign Bosnia-Herzegovina] ; 6,037 - that is 0.29% - voted "against", and 5,227 votes - i.e. 0.25% - were invalid. (Tanjug in Serbo-Croat 1151 gmt 9 Mar 92)

BBC Summary of World Broadcasts (Reprinted for Fair Use) November 29, 1990, Thursday

SECTION: Part 2 Eastern Europe; B. INTERNAL AFFAIRS; YUGOSLAVIA; EE/0934/B/ 1;

LENGTH: 1209 words

HEADLINE: ELECTION RESULTS IN BOSNIA-HERCEGOVINA

SOURCE: Yugoslav News Agency in Serbo-Croat 1800 gmt 18 Nov 90 Yugoslav News Agency in Serbo-Croat 1927 gmt 19 Nov 90

Yugoslav News Agency in Serbo-Croat 1703 gmt 19 Nov 90 Yugoslav News Agency in Serbo-Croat 1437 gmt 19 Nov 90 Zagreb 1400 gmt 22 Nov 90

Yugoslav News Agency in Serbo-Croat 1523 gmt 22 Nov 90 Yugoslav News Agency in Serbo-Croat 1333 gmt 23 Nov 90 Belgrade home service 2100 gmt 25 Nov 90

Yugoslav News Agency in Serbo-Croat 1304 gmt 27 Nov 90

BODY:

Abstract of reports

The Serbian Democratic Party of Bosnia-Herzegovina issued a statement in the evening of polling day stating that it was now certain that between 90,000 and 100,000 members of the party had been unable to cast their vote because they were not included on the electoral registers. The statement also complained of the very small number of polling stations in Serbian constituencies, which led to gross overcrowding, with many people leaving without voting because they could not wait any longer. At two polling stations in Pala, for example, over 7,000 people should have cast their vote, and at 8 pm over 5,000 people were still waiting. The party estimated that over 130,000 members of the Serbian Democratic Party, or 12% of the Serbian electorate, would not be able to vote (Tanjug in Serbo-Croat 1800 gmt 18 Nov 90).

In the evening of the 19th, the leaders of all the major parties which took part in the elections held a press conference in Sarajevo at the insistence of foreign correspondents and stated that, despite all the shortcomings, the elections were legitimate, and they would respect their results (Tanjug in Serbo-Croat 1927 gmt 19 Nov 90). The leaderships of the Democratic Socialist Alliance of Bosnia-Herzegovina, the Party of Yugoslavs, the Bosnia-Herzegovina LC - Socialist Democratic Party and the Alliance of Reformist Forces of Yugoslavia for Bosnia-Herzegovina stated nevertheless that they would call for an annulment of the election in those constituencies where malpractices are alleged to have occurred (Tanjug in Serbo-Croat 1703 gmt 19 Nov 90).

The municipal electoral commission in Mostar was the first to announce the final outcome of the elections for the municipal assembly. According to its figures, national parties have together polled over 60% of votes from about 645,000 voters. Most votes, 30%, were polled by the Croatian Democratic Community. The Party of Democratic Action gained almost 19%, the Serbian Democratic Party, 15%, and the Bosnia-Herzegovina LC-Socialist Democratic Party, 15.9%, far fewer than expected or forecast (Tanjug in Serbo-Croat 1437 gmt 19 Nov 90).

The counting of ballot papers and the summing up of the results was completed on 22nd November. However, it will take few more days before the final results can be announced, although it is already clear that no major upsets in the present position should be expected. The three national parties convincingly lead in the elections for the presidency, for the two chambers of the republic's new parliament and for the local authorities. The Democratic Action Party has won the largest number of seats in the chamber of citizens - 42. It is followed by the Serbian Democratic Party - 36 and the Croatian Democratic Community - 20. In the first round of voting, 55 deputies, all representatives of the three national parties, have already secured seats in the chamber of municipalities. Deputies from the other 55 municipalities will be known after the second ballot, to be held on 2nd December. Out of the 55 deputies in the chamber of municipalities who succeeded in gaining over half the votes, 13 came from the HDZ (Zagreb 1400 gmt 22 Nov 90).

The republican electoral commission has decided to cancel the elections in Mostar and hold them again. Here the national representation of the population amongst elected deputies envisaged by the constitutional law was not achieved. According to reports, too many from the Croatian group and one from Serbian group were elected, although Yugoslavs in this town are also protesting that they are not represented in accordance with their numbers. The repeat elections in Mostar will be carried out on 16th December. Here all electoral procedures will be repeated, from the nominations procedure to the actual voting. The republican commission has also received complaints from Ilidza, where the national structure has also been upset (four Muslims too many have been elected), so that elections will probably be repeated here too, although information from this municipality is still being examined. It is expected that the elections in the republic will be completely carried out by 25th December, by which time the republican assembly and municipal assemblies should be constituted. (Tanjug in Serbo-Croat 1523 gmt 22 Nov 90).

The final results of Bosnia-Herzegovina's multi-party elections will be known after 25th November when the voting will be repeated at the 103 polling-stations where irregularities were spotted. Today's preliminary official results do not change in the least the picture outlined by the first count of ballots. At a press conference on 23rd November, the republican electoral commission

announced that out of 2,997,661 voters, 2,279,712 or 76.05% voted and 123,816 votes were registered as invalid.

The national parties have won a resounding victory over the parties of the so-called "left-wing bloc" on all the lists. The future presidency of the SR of Bosnia-Herzegovina will comprise of Fikret Abdic with 1,010,618 votes and Alija Izetbegovic with 847,386 - both Muslim candidates of the Party of Democratic Action. This party will also have another member in the presidency, Ejup Ganic (680,783 votes), who was nominated in the elections as a Yugoslav, and will therefore represent the other nations and nationalities in this republic. Biljana Plavsic (557,218 votes) and Nikola Koljevic (541,212 votes) will join the presidency as candidates of the Serbian Democratic Party. Stjepan Kljuic (464,174 votes) and Franjo Boras (408,750 votes) will join the new presidency as candidates of the Croatian Democratic Community (Tanjug in Serbo-Croat 1333 gmt 23 Nov 90).

On 25th November, voting was repeated in 22 constituencies in Bosnia-Herzegovina where there were irregularities in the electoral procedure. The republican electoral commission decided that voting be repeated in 113 polling stations in 29 constituencies. However, since voters' lists have not yet been drawn up in seven constituencies, the voting will be repeated in these places next week. About 80,000 voters were involved in the repeat ballot but the results of the voting will have no influence on last week's results. Polling stations closed at 1900 and the votes will be counted tomorrow (Belgrade home service 2100 gmt 25 Nov 90).

The repeated voting in 22 municipalities and 53 polling stations which took place on Sunday has not made a great deal of difference to the existing ratio. The republican electoral commission said that a re-run was yet to be held in 60 polling stations in seven municipalities and that the voting for deputies in the chamber of municipalities of the would have to go into second round in 54 municipalities. The turnout for both ballots (on 18th and 25th November) was 77%. Out of 56 seats secured so far in the chamber of municipalites, the Serbian Democratic Party has 27; the Democratic Action Party - 16 and the Croat Democratic Community - 13. The left-wing bloc is putting forward 19 candidates in the second round of voting on 2nd December, but if the first round is anything to go by their chances for a victory are slim (Tanjug in Serbo-Croat 1304 gmt 27 Nov 90).

BBC Summary of World Broadcasts (Reprinted for Fair Use) October 25, 1993, Monday

SECTION: Part 2 Central Europe and the Balkans; FORMER YUGOSLAVIA; BOSNIA- HERCEGOVINA; EE/1828/C;

LENGTH: 902 words

HEADLINE: [25];

## Western Bosnian leader and Karadzic sign peace accord in Belgrade

SOURCE: Yugoslav Telegraph Service news agency, Belgrade, in Serbo-Croat 1345 gmt 22 Oct 93

BODY:

Text of report (EE/1827 C/1 [3])

Summary: Karadzic-Abdic declaration includes mutual recognition; proclamation of peace and commitment to cooperation; assurance of complete freedom of movement; announcement of the setting up of a commission to define the borders between the Serbian Republic in Bosnia- Hercegovina and Western Bosnia; offer of immediate talks with Bosnian President Izetbegovic

Belgrade, 22nd October: Radovan Karadzic, President of the Serbian Republic [in Bosnia- Hercegovina], and Fikret Abdic, President of the Autonomous Province of Western Bosnia, signed a joint declaration in Belgrade today, motivated by the objective of reaching a lasting peace between the Serbs and Muslims in the former Yugoslav republic of Bosnia-Hercegovina.

The declaration was adopted jointly, with the participation of the President of Serbia Slobodan Milosevic.

The declaration reads:

At the invitation of the President of Serbia, Slobodan Milosevic, and motivated by the objective of reaching a lasting peace between the Serbs and Muslims in the former Yugoslav republic of Bosnia-Hercegovina the President of the Serbian Republic, Radovan Karadzic, and the President of the Autonomous Province of Western Bosnia, Fikret Abdic, have met in Belgrade and decided, jointly and with participation of the President of the Republic of Serbia, Slobodan Milosevic, to adopt the following declaration:

The Serbian Republic acknowledges the existence, the will and the legal authorities of the Autonomous Province of Western Bosnia of the Republic of Bosnia, as envisaged by the Owen- Stoltenberg plan.

The Autonomous Province of Western Bosnia acknowledges the Serbian Republic's existence, the will of its people and its legal authorities. It recognizes the Serbian Republic as one of the three constituent republics of the Union of Bosnia-Hercegovina, as envisaged by the Owen- Stoltenberg peace plan;

On behalf of their citizens and governments, Presidents Radovan Karadzic and Fikret Abdic solemnly conclude peace and proclaim the beginning of the development of good-neighbourly relations and multi-faceted cooperation in the areas of politics, the economy, traffic, culture and sports.

Complete freedom of movement throughout the entire territory of the Serbian Republic is guaranteed to all citizens of the Autonomous Province of Western Bosnia and complete freedom of movement throughout the entire territory of

the Autonomous Province of Western Bosnia is guaranteed to all citizens of the Serbian Republic, providing they are in possession of valid travel documents or an official identity card issued by the relevant authorities of the Autonomous Province of Western Bosnia, or by those of the Serbian Republic.

Border crossing points between the Serbian Republic and the Autonomous Province of Western Bosnia will be established at points designated by representatives of the Serbian Republic and the Autonomous Province of Western Bosnia 48 hours after the proclamation of this declaration. All border crossings will be opened and equipped with adequate facilities on the basis of mutual consent and within a period of seven days upon the proclamation of this declaration.

All basic freedoms and human rights, stipulated by relevant international legal instruments and political documents, in accordance with the Owen-Stoltenberg peace plan, are mutually guaranteed.

All persons who are found to have violated regulations of the international law on warfare will be tried before the regular courts of the Serbian Republic, or the courts of the Autonomous Province of Western Bosnia of the Republic of Bosnia.

All persons who have left their homes because of the civil war are granted the right to return to them, if they so wish.

Presidents Radovan Karadzic and Fikret Abdic will within seven days appoint a commission for border issues, with the mandate of defining borders between the Serbian Republic and the Autonomous Province of Western Bosnia of the Republic of Bosnia, with the most important task of defining the borders in the area of the town of Krupa, on the right bank of the River Una.

Presidents Radovan Karadzic and Fikret Abdic again confirm that all convoys carrying international humanitarian aid will be granted free passage on the entire territory of the Serbian Republic and the Autonomous Province of Western Bosnia of the Republic of Bosnia, in order to provide aid to all those who need it.

Presidents Radovan Karadzic and Fikret Abdic express the hope that the leadership of the Republic of Bosnia-Herzegovina in Sarajevo will join their declaration and stress their readiness to launch negotiations on this issue with them as soon as possible.

Presidents Radovan Karadzic and Fikret Abdic express gratitude to the President of the Republic of Serbia, Slobodan Milosevic, for his great contribution in the reaching of a just and lasting peace between the Serbian Republic and the Autonomous Province of Western Bosnia of the Republic of Bosnia.

The declaration is signed by the President of the Serbian Republic, Radovan Karadzic, and the President of the Autonomous Province of Western Bosnia of the Republic of Bosnia, Fikret Abdic.

The President of the Republic of Serbia [Slobodan Milosevic] attests to the reaching of the agreement and assumes the obligation of mediating if difficulties arise during its implementation.



## APPENDIX V

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April 22, 1999

Aleksandar Vucic  
Information Ministry

Via Fax: 36-16-578

Dear Mr. Vucic,

I am writing to confirm that Minister Aleksandar Vucic, will join CNN's Larry King Live program on Friday 23, 1999 at 3:00am (BELGRADE) for a live interview.

The interview will take place at RTS Belgrade Television and Minister Vucic should arrive at 2:30am (BELGRADE). The interview will last approximately 15 minutes and Minister Vucic will appear on his own. Mr. King would like to discuss with Minister Vucic the on-going situation in the Federal Republic of Yugoslavia.

You can reach me in London at 44-171-637-6807 (office) 44-7808-294-819 (mobile), 44-1459-1500-36 (pager) and I look forward to speaking with you in the near future.

Kind regards,

Dheepa Pandian

Larry King Live, CNN

## APPENDIX VI

### WAR CRIMES LAW APPLIES TO U.S. TOO

Chicago Tribune - Sunday, May 23, 1999 (Reprinted for Fair Use only)

As justification for our murderously destructive bombing campaign in Yugoslavia, it is of course necessary for the U.S. to charge that the Serbs have engaged in inhuman conduct, and that President Slobodan Milosevic, the head Serb demon, is a war criminal almost without peer.

President Clinton assures us of this in frequent briefings, during which he engages in rhetorical combat with Milosevic. But shouting "war criminal" only emphasizes that those who live in glass houses should be careful about throwing stones.

We have engaged in a flagrant military aggression, ceaselessly attacking a small country primarily to demonstrate that we run the world. The rationale that we are simply enforcing international morality, even if it were true, would not excuse the military aggression and widespread killing that it entails. It also does not lessen the culpability of the authors of this aggression.

As a primary source of international law, the judgment of the Nuremberg Tribunal in the 1945- 1946 case of the major Nazi war criminals is plain and clear. Our leaders often invoke and praise that judgment, but obviously have not read it. The International Court declared:

To initiate a war of aggression, therefore, is not only an international crime, it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.

At Nuremberg, the United States and Britain pressed the prosecution of Nazi leaders for planning and initiating aggressive war. Supreme Court Justice Robert Jackson, the head of the American prosecution staff, asserted "that launching a war of aggression is a crime and that no political or economic situation can justify it." He also declared that "if certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us."

The United Nations Charter views aggression similarly. Articles 2(4) and (7) prohibit interventions in the domestic jurisdiction of any country and threats of force or the use of force by one state against another. The General Assembly of the UN in Resolution 2131, "Declaration on the Inadmissibility of Intervention," reinforced the view that a forceful military intervention in any country is aggression and a crime without justification.

Putting a "NATO" label on aggressive policy and conduct does not give that conduct any sanctity. This is simply a perversion of the North Atlantic Treaty

Organization, formed as a defensive alliance under the UN Charter. The North Atlantic Treaty pledged its signatories to refrain from the threat or use of force in any manner inconsistent with the purposes of the United Nations, and it explicitly recognized "the primary responsibility of the Security Council (of the United Nations) for the maintenance of international peace and security." Obviously, in bypassing UN approval for the current bombing, the U.S. and NATO have violated this basic obligation.

From another standpoint of international law, the current conduct of the bombing by the United States and NATO constitutes a continuing war crime. Contrary to the beliefs of our war planners, unrestricted air bombing is barred under international law. Bombing the "infrastructure" of a country-- water-works, electricity plants, bridges, factories, television and radio locations--is not an attack limited to legitimate military objectives. Our bombing has also caused an excessive loss of life and injury to civilians, which violates another standard. We have now killed hundreds, if not thousands, of Serbs, Montenegrins and Albanians, even some Chinese, in our pursuit of humanitarian ideals.

In addition to shredding the UN Charter and perverting the purpose of NATO, Clinton also has violated at least two provisions of the United States Constitution. Under Article I, Section 8, of the Constitution, Congress, not the president, holds the power to declare war and to punish offenses against the law of nations. Alexander Hamilton in *The Federalist* No. 69 pointed out one difference between a monarchy and the presidency under the new form of government: A king could use his army as he pleased; the president would have no such unlimited power.

Under Article VI of the Constitution, treaties, far from being mere scraps of paper as we now deem them to be, are part of the supreme law of the United States. Of course, these days a supine Congress, fascinated only by details of sexual misconduct, can hardly be expected to enforce constitutional requirements.

Nor can a great deal be expected from the media. Reporters rely on the controlled handouts of the State Department, Pentagon and NATO, seeing their duty as one of adding colorful details to official intimations of Serb atrocities. Thus, the observation of a NATO press relations officer that a freshly plowed field, seen from 30,000 feet up, might be the site of a massacre has been disseminated as news.

The notion that humanitarian violations can be redressed with random destruction and killing by advanced technological means is inherently suspect. This is mere pretext for our arrogant assertion of dominance and power in defiance of international law. We make the non-negotiable demands and rules, and implement them by military force. It is all remindful of Henrik Ibsen's

"Don't use that foreign word 'ideals.' We have that excellent native word 'lies.'"

Author: Walter J. Rockler. Walter J. Rockler, a Washington lawyer, was a prosecutor at the Nuremberg War Crimes Trial.

## TEXT OF SLOBODAN MILOSEVIC'S LETTER TO THE RUSSIAN MINISTRY OF FOREIGN AFFAIRS

The text of a handwritten letter dated March 8, 2006, written by Slobodan Milosevic to Russia asking for its help. Milosevic was found dead in his cell on March 11, 2006, less than 72 hours after writing this letter. His lawyer Zdenko Tomanovic provided the text of the letter in an English translation:

To the Ministry of Foreign Affairs of the Russian Federation:

Dear ladies and gentlemen,

With my acknowledgment for the solidarity and understanding which you expressed by accepting to receive me to come for medical treatment and by giving guarantees, I would like to inform you about the following:

I think that the persistence, with which the medical treatment in Russia was denied, in the first place is motivated by the fear that through careful examination it would be discovered, that there were active, willful steps taken, to destroy my health, throughout the proceedings of the trial, which could not be hidden from Russian specialists.

In order to verify my allegations, I'm presenting you a simple example which you can find in the attachment. This document, which I received on March 7, shows that on January 12th (i.e. two months ago), an extremely strong drug was found in my blood, which is used, as they themselves say, for the treatment of tuberculosis and leprosy, although I never used any kind of antibiotic during this 5 years that I'm in their prison.

Throughout this whole period, neither have I had any kind of infectious illness (apart from flu).

Also the fact that doctors needed 2 months (to report to me), can't have any other explanation than we are facing manipulation. In any case, those who foist on me a drug against leprosy surely can't treat my illness; likewise those from which I defended my country in times of war and who have an interest to silence me.

Dear Sirs, it is known to you that Russian physicians, who rank among the most respected physicians in the world, came to the conclusion that the examination and treatment of the vascular problems in my head are inevitable and urgent. I know very well that this is true, as I feel very bad.

I'm addressing you in expectation that you help me defend my health from the criminal activities in this institution, working under the sign of the UN, and that I be enabled as soon as possible to get adequate treatment in your hospital, in whose physicians, as well as in Russia, I have absolute confidence.

Yours sincerely, Slobodan Milosevic

MARKO MILOSEVIC'S LETTER TO THE ORGANS OF THE ICTY AND THE UNITED NATIONS REGARDING JUDGE PARKER'S INVESTIGATION INTO THE DEATH OF SLOBODAN MILOSEVIC

July 17, 2006

This is an open letter and is to be distributed to The President of the ICTY

The Chairman of the Security Council of the OUN The Secretary General of the OUN

It represents an official reaction of the family of Slobodan Milosevic to the report of ICTY concerning the causes of his death.

Mr. Parker,

I received your report concerning the causes of my father's sudden and untimely death. Unfortunately, it is exactly as I expected it would be, and as I warned your deputy, the French judge with whom I spoke in The Hague, that it should not be.

First of all, I must note that your investigation was not initiated because of "media speculation that Slobodan Milosevic had been poisoned" as you put it. Your report's continuous justifications before media are both inadequate and insulting.

Although illegal, the ICTY owes explanations to the family of the deceased, the Security Council as the organ which founded ICTY, the General Assembly, the Secretary General, and to the public.

Secondly, neither we the family, nor the expert team of pathologists, which was familiar with my father's health and was given the findings of the Dutch team, ever alleged the possibility of poisoning. To the contrary, I accepted the diagnosis of a heart attack (infarction) from the moment I heard it in The Hague. I warned both your deputy and the Dutch prosecutor not to vulgarize the investigation by setting-up a "straw man" accusation such as a violent murder or poisoning. The lines you have chosen to describe the "scene of crime" are naïve, vulgar and insulting. The report itself, if made by an independent institution, would have been at the very least disappointing. But, since it's being issued by the Tribunal, the very institution which had a monopoly over my father's health during his time in UN custody, it is shocking. It contains an unexpected number of contradictions. Its contents and conclusions are absolutely unacceptable to the sane mind.

Even if we had suspicions of poisoning, it would be pointless to try and prove them in conditions where the only possible culprit is the investigator. It is as if an accused committed a crime, leads the investigation, and comes to the ex-



pected conclusion that he is innocent. An accused may defend himself, but it is quite unusual that the accused himself leads the investigation, as was the case with your investigation and your report.

Should I mention the fact that the autopsy was conducted without the presence of the independent expert team sent by our family, even though we insisted on it? Or that the Russian doctors were denied the access to the body and the tissue samples? Or that we have been denied his blood samples? Now it happens that the Dutch medical institutions and doctors, which have already been gravely compromised in the eyes of the public through their involvement with the ICTY Prosecution in numerous manipulations with my father's health, medical treatment, and respective diagnosis, were the only ones to manage the toxicology tests and announce their results?! Here I must remind you of my father's letter addressed to the Russian Minister of Foreign Affairs, in which he wrote just hours before his death that he suspected he was being poisoned in the UNDU. So here we have a situation where we are witnessing numerous speculations regarding his blood samples, he expresses his worry about it, then he suddenly dies. Now comes this mysterious autopsy conducted by the very same people that he accused in his last hours, and they conclude that there was no poisoning. How credible does this sound even to you Mr. Parker? It is a pity that I am not in a position to ask Ms. Del Ponte an even simpler question - if he was ill, then why he wasn't he given medical treatment when he asked for it? And if he wasn't ill, then why did he die?

I understand that you have set-up this straw-man accusation of poisoning, and now by finding that there was no poisoning you assert that the ICTY has been relieved of all responsibility for my father's death. Nevertheless, an unquestionable truth remains before the public, the image of my father addressing your so-called "Trial Chamber" and asking to be allowed medical treatment, and the "presiding judge" responding that he will not listen to him.

The question isn't whether or not my father was murdered or poisoned. The point is that a former head of state, being held in UN custody, was gravely ill and constantly complaining of his medical condition. His health condition was assessed many times by medical experts as dire. He was denied adequate (if any) medical treatment, and then he died. At the same time those who denied him treatment were undeniably aware of what the consequences would be. He asked for provisional release to receive medical treatment. Dr. Shumilina warned on November 6th that his condition was so critical that he could die at any moment. Although you claim in your report (among many other contradictions, which I will not quote by number in this letter) that there was no suggestion by my father's doctors that cardiac surgery was needed, even in your own report, in paragraph 65., you write: («On 20 December 2005 a formal motion was filed seeking Mr. Milošević's provisional release to enable medical treatment at the Bakoulev Scientific Centre for Cardiovascular Surgery in Moscow. In addition to the reports of the three visiting doctors from November, a

further email of Dr Shumilina dated 19 December 2005 to an assigned counsel for Mr. Milošević was relied on. In this email Dr Shumilina recommended the following additional tests: a complex ultrasonic of the vascular pathology, especially brachiocephal arteries and veins; echocardiography and stress echocardiography; Holter monitoring and daily monitoring of the blood pressure; "estimation" of the homeostasis: investigation of the brachiocephal and coronary vessels with contrast media; and PEI (position-emission imaging) of the brain and of the heart. Her email also indicated that endovascular or surgical decompression of the right vertebral artery, the stenting of brachiocephal or cardiac arteries, carotid endarterectomy, or even bypass surgery may be necessary to perform.»)

The guaranties had been granted, and the ICTY ignored all of it. Obviously deliberately for they were aware of all the facts, both general and subtle. So he died.

The Tribunal, and everyone in charge, has committed a deliberate murder. They condemned him to death on February 24th when they rejected his request for provisional release, ignoring everything: his health condition, his rights, and the warnings of his doctors, which unlike the jail physician hired by the ICTY, had both - unquestionable competence and expertise, as well as his confidence. Ignoring even the guarantees of The Russian Federation (by the explanation that those guarantees lacked credibility, it seems that the Tribunal has given itself the mandate to evaluate the credibility of even the Security Council's permanent member states).

The ruling handed down on February 24th came into effect on March 11th. That is the fact and the truth. Any other speculation is just evasive political maneuvering.

The statements and opinions of the ICTY Prosecution and the Dutch doctors have been completely disqualified. The Dutch doctors are going to be criminally prosecuted before the courts of their country. Ms Del Ponte was so keen to qualify my father as guilty even though the trial had not been completed as to insist on his "suicide" before the autopsy had even taken place. In such circumstances, both the Dutch doctors and the entire Office of the Prosecutor lack any credibility for matters concerning my father, from responsibility for the crimes he was accused of to the circumstances of his death.

It is obvious that even without poisoning, murder, or anything similar, but with heart failure which you consider to be a "natural" death that the ICTY and the UN who created it bears the sole responsibility for my father's death.

That "court" had already committed a series of violations against my father. It violated every rule and regulation known to modern civilization, both East and West. It failed to even comply with its own statute and rules. It ignored the guaranties given by permanent members of the UN Security Council, the very

organ which created the ICTY. And finally, it deliberately led my father to his “natural” death.

As if that wasn’t enough, you produced this grotesque “investigation” which found that “he was not murdered”! With all this, it is clear that the Organization of United Nations will have to take the responsibility for the death of the former President of Federative Republic of

Yugoslavia and that the ICTY will have to be disbanded, as I told your deputy four months ago. I do not accept the explanations offered in your report. I find it visibly tuned to suit the ICTY Prosecutor’s Office, and most importantly it is obvious that it was produced to relieve the ICTY of responsibility, not to show the truth or bring justice.

I expect the superior organs of the Organization of the United Nations to reject your report and reconsider the legitimacy of ICTY, as well as the behavior and performance of its staff. I also expect that, for the sake of the integrity and credibility of OUN, that the ICTY will be brought to end.

Marko Milosevic July 17, 2006

-----Original Message-----

From: branko rakic

Sent: Wednesday, April 17, 2006 3:43 AM To: Yaiza Alvarez Reyes

Cc: Evelyn Anoya

Subject: Re: Medical Report by Dr. Uges

Dear Yaiza,

One month ago I asked for the report that Dr. Uges claims to have written some two weeks before President Milosevic's death. That report and Dr Uges' statements about it were mentioned in numerous newspaper articles after President Milosevic's death (search on Google under "Donald Uges" and you will find some of them). Doctor Uges claims that he discovered rifampicine in President Milosevic's blood.

The only doctors reports about rifampicine that we have received are Dr Touw's report of February 23, 2006 and Dr Falke's report of March 3, 2006.

The only report done by Dr Uges that we have received is the one of January 24, 2006, in which there's no mention of rifampicine.

Please send me the report Dr Uges was referring to before the media after President Milosevic's death, or, if such a report does not exist, inform me in written about it, or, finally, if the Registrar's office does not want to disclose it to me (or to President Milosevic's family), inform me also in written form about it.

In your reply to my request of 16 March 2006 you said that "the Registrar's office is looking into that" and that I "will get a response as soon as practicable". I hope it is practicable now.

Best regards, Branko M. Rakic

-----Original Message-----

From: Yaiza Alvarez Reyes

Sent: Wednesday, April 19, 2006 6:50 AM To: branko rakic

Cc: Evelyn Anoya

Subject: Re: Medical Report by Dr. Uges

Dear Branko,

Please be advised that the Registry is not aware of any report by Dr. Uges other than the one dated on January 24, 2006.

Best regards,

Yaiza Alvarez Reyes Court Officer

United Nations International Criminal Tribunal for the Former Yugoslavia

Tel.: +31 70 512 5764

Fax: +31 70 512 8558

email: [alvarezreyes@un.org](mailto:alvarezreyes@un.org)

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VAN-Apothek AZG

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25 January 2006

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## University Medical Center Groningen

### Pharmacy

Head Dr. J.G.W. Kosterink

Laboratory for Clinical and Forensic Toxicology  
and Drug Analyses  
Prof. Dr. D.R.A. Uges

Phone (050) 361 40 71

Fax (050) 361 40 87

E-mail d.r.a.uges@apoth.umcg.nl

Enclosure(s)

Ref. DU/JT 06.509

To

Date January 24, 2006

Re. Case IT-02-54-T

PRO JUSTITIA

page 1 of 3

Dear Mrs. Fofana,

The information we received in Groningen by fax on 23 January 2006 was said to refer Mr. S. Milošević, born 20 August 1941, mentioned in this report as "the accused".

On request of Mr. Hans Holthuis, Registrar ICTY, herewith I,

Donald Robert Alexander Uges, Ph.D., R.Hp, DABFE,  
clinical and forensic pharmacologist and toxicologist

perform an analysis of the relevant medical and pharmacological data of the accused.

In general:

For a desired pharmacodynamic, therapeutic effect the following is required:

1. the right diagnosis (clinical picture and cause)
2. an usual medication in a general acceptable dose, form and route of administration
3. known pharmacokinetics (absorption, distribution, metabolism, elimination) and known interferences and interactions of all relevant drugs
4. taking into account possible individual's abnormality in pharmacokinetics
5. sometimes therapeutic drug monitoring, to customize the given dose or to explain too low or too high concentrations and thereby pharmacodynamic desired or side effects respectively.



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In this particular case of the accused concerned:

Ad 1. Accused's blood pressure was much too high (180-190 over 100), which requires an adequate therapy

Ad 2. The medication (kind, dose and combination) prescribed by the accused's general practitioner dr. P. Falke should be adequate, and is not uncommon for this kind of patient. This medication was mentioned in the report of the clinical pharmacologist D. Touw, Ph.D.

- metoprolol ZOK b.i.d. 100 mg: *not unusual*  $\beta$ -blocker lower the heart rate and extends the refractory period of the heart, causing a lower blood pressure
- enalapril b.i.d. 20 mg: *not unusual* angiotensine converting enzyme, that finally causes an arterial vasodilatation which lowers the blood pressure
- amlodipine b.i.d. 20 mg: *not unusual* calcium antagonist or calcium blocker, causing inhibition of the cardiac contraction which lowers the blood pressure
- hydrochlorothiazide 1 x 50 mg: *not unusual* diuretic
- simvastatin 1 x 40 mg: *not unusual* lowers the cholesterol blood level
- aspirin (Aspirin) 300 mg: as anticoagulant: normally too high (usual 80 mg); also painkiller, but in that case paracetamol is the common drug in the Netherlands
- cinnarizine 1 x 25 mg: acceptable against allergy or dizziness

Ad 3. Dr. D. Touw, Ph.D. from the hospitals of The Hague (not from the University of Leyden) described the general pharmacokinetics of the drug: I totally agree with his findings and his report.

Ad 4. Dr. D. Touw did also perform pharmacogenetic calculations. I also agree with his calculations, assumptions and report.

Ad 5. TDM: Dr. D. Touw measured the drug concentrations in plasma samples of the accused. He used chromatographic methods with UV-detection, not with mass selective detection (GC/MS or LC/MS/MS). I know the high standard of the AHZ qualified laboratory and I am assuming the results are achieving the required clinical standards and levels. Nevertheless it is difficult for me to judge the results of his used methods. The by our laboratory used LC/MS or GC/MS methods are more sensitive, selective and more common in forensic analyses.

Amlodipine levels of < 5 and < 10  $\mu\text{g/L}$  respectively were found in the AHZ. The international accepted steady state therapeutic levels are 6 - 18  $\mu\text{g/L}$  (TIAFT). Therefore levels of < 10  $\mu\text{g/L}$  still might be effective. But in general with the accused's amlodipine dose, measurable levels (> 10  $\mu\text{g/L}$ ) should have been found.



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The so called therapeutic steady state of metoprolol is between 20 – 340 µg/L. Lindberg found that reduction of tachycardia by physical effort is increasing logarithmically, between levels of 20 – 100 µg/L. (We once found sufficient therapeutic effect in a patient with 85 µg/L as metoprolol serumlevel but insufficient therapeutic effect in another patient at 94 µg/L).

The by Dr. D. Touw measured levels in the different plasma samples from the accused are too low after the given dose at steady state. The patient compliance for taking medication regularly is very doubtful.

The diazepam and nordazepam levels are too low for any pharmacodynamic effect. Taking these extreme low levels and no prescription of benzodiazepines into account, I would suggest to confirm the identity of these compounds by GC/MS or LC/MS/MS before speculating about any intake of this drugs.

In conclusion there are very strong indications for no, or a not regularly intake of the prescribed medication, mentioned in this report by the accused. It seems obvious that this could be the cause of his high persistent blood pressure in spite of this very strong antihypertension medication.

Professor Dr. Donald R.A. Uges' report is made in accordance with his oath as permanent forensic expert in the Court of Justice in Leeuwarden, The Netherlands, on December first 1981.



Prof. Dr. D.R.A. Uges, hospital pharmacist, clinical and forensic toxicologist-pharmacologist



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To : Mr. Hans Holthuis, Registrar ICTY  
From: Mr. Paulus Falke, Medical Officer UNDU  
DD : 3 March 2006

Concerning: Toxicology Report about Mr. Slobodan Milosevic.

Dear Sir,

Earlier today you should have received the most recent report of Dr. Daan Touw, toxicologist.

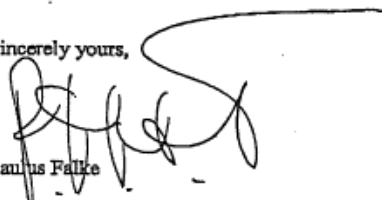
Please note that the name Mr. Zomer has been used on a number of occasions as an indistinctive (common Dutch) name for Mr. S. Milosevic when dealing with external medical bodies. We decided to take this precaution due to the huge media interest in all matters relating to this patient.

The key issue in this new report is the fact that the substance Rifampicin was found in the 12 January 2006 blood samples. This is an antibiotic drug not prescribed by myself, as the Medical Officer, or by any of the treating specialists.

In an earlier report (20 January 2006) Dr. Touw indicated that Rifampicin is a drug that can cause inhibition of the drugs prescribed to treat high blood pressure. In an attempt to clarify why the measured levels of the prescribed drugs metoprolol and amlodipin continued to be so low, the possibility of the presence of this drug was examined after the original tests.

The levels of Rifampicin found were high, of a therapeutic level, used only in situations of serious infection. How he got hold of this drug is unknown to me. There has been no medical situation in which Mr. Milosevic would have needed this kind of drug during his time in detention in the Netherlands. In my experience, this type of antibiotic is only ever used in the treatment of tuberculosis and leprosy.

Sincerely yours,



Paulus Falke



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Doorkiesnr.: 070-3217180  
Corr.nr.:  
Onderwerp: aanvulling rapport dhr. Zomer, geb 20-08-1941

dr P. Falke  
Medical officer  
UNDU  
Postbus 87810  
2508 DE Den Haag

Den Haag, 23 februari 2006

Geachte collega, beste Paulus,

Op uw verzoek is materiaal van dhr. Zomer (geb 20-08-1941) nader onderzocht en in aanvulling op mijn rapport dd 20 januari 2006 heb ik de volgende aanvullende bevindingen.

In het bloedmonster wat is afgenomen op 12 januari 2006 voor onderzoek naar de aanwezigheid van metoprolol zijn rifampicine en desacetylrifampicine aangetroffen in concentraties van 0,8 respectievelijk 1,1 mg/l. Gebruikelijke dalconcentraties bij gebruik van 600 mg/dag bedragen 0,5-1 mg per liter voor de som van de beide componenten.

Zoals bekend is rifampicine een sterke inductor van p-Glycoproteïne en van meerdere metaboliserende enzymen in de lever, waaronder ook CYP3A4, het enzym wat verantwoordelijk is voor de omzetting van amlodipine. Het is bekend dat combinatie van rifampicine met metoprolol leidt tot forse daling van de biologische beschikbaarheid van metoprolol hetgeen resulteert in onwerkzame concentraties. Tevens is beschreven dat gebruik van rifampicine leidt tot onwerkzame concentraties van geneesmiddelen die substraat zijn van CYP3A4, zoals amlodipine, door inductie van de CYP3A4 activiteit.

Mochten er nog vragen zijn, dan ben ik altijd bereid een nadere toelichting te geven.

Vriendelijke groet,

Dr. Daniel J. Touw  
Ziekenhuisapotheker – klinisch farmacoloog  
Hoofd klinisch farmaceutisch en toxicologisch laboratorium  
Apotheek Haagse Ziekenhuizen

Geneva 1201 Switzerland

John Wadham Liberty

21 Tabard Street London SE1

11 September 1998

Dear John,

As requested, I enclose a statement detailing MI6's plot to assassinate President Slobodan Milosevic of Serbia in 1992.

When you have read it, lets discuss the best way to proceed. Yours sincerely,

Richard Tomlinson

To whom it may concern: MI6 1992 proposal to assassinate President Slobodan Milosevic of Serbia

Dear Sir,

I would like to bring to your attention a proposal by MI6 to assassinate President Milosevic of Serbia. My motive in doing this is to draw to your attention the casual and cavalier attitude that many MI6 officers have to British and international law. The officer who wrote this proposal clearly could (and in my view, should) be charged with conspiracy to murder. He will no doubt escape unpunished, like many other MI6 officers who routinely break the law. This lack of legal accountability of MI6 officers needs to be addressed urgently.

From March 1992 until September 1993 I worked in the East European controllerate of MI6 under the staff designation of UKA/7. My role was to carry out natural cover operations (undercover as a businessman or journalist etc) in eastern Europe. The Balkan war was in its early stages at this time, and so my responsibilities were increasingly directed to this arena.

My work thus involved frequent contact with the officer responsible for developing and targeting operations in the Balkans. At the time, this was Nicholas Fishwick, who worked under the staff designation of P4/OPS. We would frequently meet in his office on the 11th floor of Century House to discuss proposed and ongoing operations that I was involved in and, indeed, many other operations which I was not myself involved in.

During one such meeting in the summer of 1992 Nick Fishwick casually mentioned that he was working on a proposal to assassinate President Milosevic of Serbia. I laughed and dismissed his claim as an idle boast as I (naively) thought that MI6 would never contemplate such an operation. Fishwick insisted that it was true, and appeared somewhat offended that I did not believe

him. However, I still presumed that he was just pulling my leg, and thought nothing more of the incident

A few days later, I called in again to Fishwick's office. After a few moments of conversation, he triumphantly pulled out a document from a file on his desk, tossed it over to me, and suggested I read it. To my astonishment, it was indeed a proposal to assassinate President Milosevic of Serbia.

The minute was approximately 2 pages long, and had a yellow minute card attached to it which signified that it was an accountable document rather than a draft proposal. It was entitled "The need to assassinate President Milosevic of Serbia". In the distribution list in the margin were P4 (Head of Balkan operations, then Maurice Kendrick-Piercey), SBO1/T (Security officer responsible for eastern European operations, then John Ridd), C/CEE (Controller of east European operations, then Richard Fletcher or possibly Andrew Fulton), MODA/SO (The SAS liaison officer attached to MI6, then Major Glynne Evans), and H/SECT (the private secretary to Sir Colin McColl, then Alan Petty).

The first page of the document was a political "justification" to assassinate President Milosevic. Fishwick's justification was basically that there was evidence that Milosevic was providing arms and support to President Radovan Karadzic in the breakaway republic of Bosnian Serbia.

The remainder of the document proposed three methods to assassinate Milosevic. The first method was to train and equip a Serbian paramilitary opposition group to assassinate Milosevic in Serbia. Fishwick argued that this method would have the advantage of deniability, but the disadvantage that control of the operation would be low and the chances of success unpredictable. The second method was to use the Increment (a small cell of the SAS and SBS which is especially selected and trained to carry out operations exclusively for MI5/MI6) to infiltrate Serbia and attack Milosevic either with a bomb or sniper ambush. Fishwick argued that this plan would be the most reliable, but would be undeniable if it went wrong. Fishwick's third proposal was to kill Milosevic in a staged car crash, possibly during one of his visits to the ICFY (International Conference on the Former Yugoslavia) in Geneva, Switzerland. Fishwick even provided a suggestion about how this could be done, such as by disorientating Milosevic's chauffeur using a blinding strobe light as the cavalcade passed through one of Geneva's motorway tunnels.

There was no doubt in my mind when I read Fishwick's proposal that he was entirely serious about pursuing his plan. Fishwick was an ambitious and serious officer, who would not frivolise his career by making such a proposal in jest or merely to impress me. However, I heard no more about the progress of this proposal, and did not expect to, as I was not on its distribution list.

I ask you to investigate this matter fully. I believe that legal action should be taken against Fishwick, to show other MI6 officers that they should not assume that they can murder and carry out other illegal acts with impunity.

Yours sincerely Richard Tomlinson

Joint Criminal Enterprise: Why Everything You Were Told About Slobodan  
Milosevic and the Serbs Was Wrong

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Andy Wilcoxson

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