

ANALYSIS: The Anti-Globalisation Martyr

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Milosevic's legal representatives say his arrest and detention have nothing to do with justice or war crimes

The anti-globalisation movement has found its first high-profile martyr: Slobodan Milosevic.

At a news conference in Amsterdam last week, two Canadian lawyers, who had earlier met the former Yugoslav president at the UN detention centre at Scheveningen, declared that "the persecution of Serbs and Mr. Milosevic in particular are nothing more than a means of furthering the globalisation process".

One of the lawyers, Christopher Black, founder member of the International Committee to Defend Slobodan Milosevic, presented himself at the news conference as Milosevic's "legal agent". The accused has so far declined to appoint a lawyer to represent him.

Black said Milosevic has been in the vanguard of the anti-globalisation struggle for the past ten years. This, he said, was why NATO bombed Yugoslavia and why the former president now finds himself facing war-crimes charges at The Hague.

Meanwhile, Black's colleague, Andre Tremblay, described the tribunal as a "legal branch of the oppressor".

"People have to realise what is really going on," he said, indicating that his audience was naive and misguided if it thought the Milosevic case had anything to do with justice and war crimes. "What war crimes?" Black asked.

He denied that Serbs had committed atrocities. Speaking on the sixth anniversary of the Srebrenica massacres, Black ridiculed the evidence of dozens of mass graves and the claims of survivors - claims which went unchallenged even during the trial of General Radislav Krstic, accused of genocide for his alleged role in the killing of thousands of Muslims after the fall of the UN safe area.

Black went on to outline the former president's "two-fold" strategy. First, Milosevic and his "legal advisers", headed by Black himself, plan to challenge the legality of his arrest and his detention in the Dutch courts, the European Commission, the UN General Assembly and other institutions.

The Canadian lawyer said an action is to be brought before the Dutch courts shortly "on the basis of a provision in local law that persons who are brought into the Netherlands under circumstances which may be illegal can contest that before a Dutch court".

Black said he expected Milosevic to appear in court for the hearing. He refused to predict the outcome but said that according to information from Dutch lawyers, Milosevic should be released because "his arrest is outright kidnapping" and his detention at the tribunal illegal.

The second part of the strategy would only come into play, Black said, "if all fails and he [Milosevic] is forced to face trial before this body [the tribunal]." Milosevic's legal agent said the former president then has several options. He could either remain absent from the courtroom, defend himself, hire a team of lawyers to be led by himself or hand over his defence to others. Black said this had been discussed "only in general terms. . . . He has not made a decision and I don't know what he is going to decide".

Coincidentally, another Canadian, senior trial attorney Dirk Ryneveld, is awaiting Milosevic's decision with interest. Ryneveld, as senior prosecutor in the Foca rape trial, successfully led the prosecution in what became a landmark case in international law, establishing for the first time that rape and sexual enslavement constituted crimes against humanity. He has been tipped to lead the Milosevic case.

In an interview with Tribunal Update, Ryneveld acknowledged that the case could become more drawn out if Milosevic forgoes legal representation. "If the accused has defence counsels, then there is a possibility of an agreement on the question of which facts are disputable and must be proved, and which are indisputable, so we do not have to waste time on them," said Ryneveld.

In his 30 years as a prosecution attorney, Ryneveld has rarely come across defendants who have refused to take part in a trial or to appoint defence counsel. Of the few who had refused defence lawyers, Ryneveld said some did not believe they would be of any help, while others "think they are cleverer than all the rest and want to lead their case themselves".

In such circumstances, Ryneveld said, judges "take over" the responsibilities of defence counsel. He said they protect the rights of the accused and play a much more active role in examining witnesses and establishing facts "so that they could make an informed final decision on guilt or innocence".

The prosecutor said this has sometimes made his job harder. "It's more difficult to argue with judges who always have the last word, than to argue with defence lawyers, with judges in the role of impartial arbiters," he said.

Notably, another Canadian lawyer also expressed strong interest in the case. Former chief prosecutor Louise Arbour, who issued the Kosovo indictment against Milosevic in May 1999, said she deemed the transfer of Milosevic to The Hague a "landmark in the history of this extraordinary institution [the tribunal]. . . . The imminent trial of Milosevic represents everything criminal justice stands for - truth, accountability and solidarity of those who are safe with those who are not".

Undaunted by the boost given to the tribunal by Milosevic's transfer, anti-globalisation figures continue to gather around Milosevic. Former US attorney general Ramsey Clark, who addressed a rally in Belgrade sharply critical of the Serbian authorities just after the extradition, is due to meet Milosevic at Scheveningen this week.

Perhaps stylised posters of a swarthy Sloba will lead the charge in some future assault against McDonald's, just as Che Guevara's image was adopted by protesters in 1968. Whether this association will benefit the anti-globalisation movement any more than Milosevic's legal defence remains to be seen.

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