

ANALYSIS: New Milosevic Mission

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Milosevic declares he will "overthrow" the court.

If Slobodan Milosevic were still in power, he would almost certainly now insist he deserved an honoured place among leaders of the anti-terrorist coalition second only to President George Bush and Prime Minister Tony Blair.

As he lost power and ended up in the custody of the international tribunal, however, Milosevic is demanding that his place on the frontline of the war against international terrorism at least be acknowledged, as a "forerunner" of the current coalition.

Milosevic wants rectification of an alleged injustice done to him when his efforts to combat Albanian and Islamic terrorism were qualified as crimes against humanity and war crimes. Furthermore, they are about to be qualified as genocide in the "Bosnian indictment" that the chief prosecutor Carla Del Ponte announced would be signed this week.

After failing to persuade his first status conference on 30 August 30, 2001 that he was a martyr of the anti-globalisation movement (see [Milosevic's Lawless Court](#), Tribunal Update 233), on October 29 and 30, Milosevic returned to The Hague courtroom for a third time waving an anti-terrorist banner.

His Belgrade team of "legal advisors" probably deserve some credit for the metamorphosis. In one of the breaks in last week's status conference, Zdenko Tomanovic, the team leader, shouted the words "strengthen terrorism" at Milosevic from the public gallery, by which he meant Milosevic should place more stress on terrorism.

Milosevic's lip movements through the bullet-proof glass dividing the court from public gallery suggested he couldn't hear, but after the break, he did as Tomanovic suggested.

Now presenting himself as a US ally in the campaign against terrorism, Milosevic denounced the Clinton administration as an "ally of Albanian terrorism", and, thus indirectly, of bin Laden.

He said a representative of the former US administration told him "bin Laden was in Albania, two years after destroying their [US] embassies [in Nairobi and Dar-es-Salaam in 1998]". Milosevic almost certainly had the US Balkan envoy Richard Holbrooke in mind, whom he met frequently when he was Yugoslav president.

Milosevic added that his trial was having "a direct impact on inciting terrorism in the south of Serbia", where he said US-backed Albanian terrorists were "killing, burning, raping, beating, looting and doing everything they did in Kosovo".

Milosevic's presentation of the facts was hotly contested the following day. Albania dismissed the claim that it had hosted Bin Laden as a "vile concoction", while Nebojsa Covic, a Serbian deputy prime minister in charge of Kosovo and south Serbia, ridiculed the comments about rampaging Albanian terrorists.

Reminding Milosevic that he could have "no idea about what is happening in the south of Serbia" from a

cell in Holland, Covic urged him to confine his comments to "cards and chess", which is how the former president passes much of the time with his fellow-detainees, Generals Radislav Krstic and Enver Hadzihanovic.

Unlike his first two appearances before the judges, which lasted only 15 and 30 minutes respectively, Milosevic's third court session stretched over two days.

The largest part was taken up by the reading out two indictments. The first was an amended Kosovo indictment, now containing charges of sexual violence against Albanian girls and women and of inhuman treatment of tens of thousands of internally displaced persons. The second was a new indictment on Croatia.

Milosevic was visibly displeased but followed the several-hour reading without protest and at times even seemed interested in listening to the long list of crimes in Kosovo and Croatia allegedly committed by his forces.

What he heard did not change his mind, however. Before the Kosovo indictment was read out, he announced he was only being indicted for "defending ... his people from criminal aggression and terrorism, with which the Clinton administration co-operated closely".

After the reading was finished, Milosevic said what he had heard "in itself indicates the indictment is false and that it represents a proof of [the prosecutor's] partiality". The presiding Judge, Richard May, interrupted, explaining he was only required to enter a plea. When he declined, the trial chamber entered a "not guilty" plea on all counts. As Milosevic continued to speak, the judge politely told him to be quiet, on which he fell silent.

What Milosevic failed to say on that occasion, however, he vented the next day in a ten-minute tirade at the end of the status conference, when tribunal rules give the accused an opportunity to talk about the proceedings and his physical and mental condition. Reiterating that the indictment proved the prosecutor's bias, Milosevic asked the court to disqualify Del Ponte, saying she had "surpassed even the NATO spokesman [James Shea] in her partiality".

Milosevic said the proof lay in the "fact" that the events cited in the Kosovo indictment all took place between March 24 and the start of June 1999, during the period of NATO's "aggression against Yugoslavia".

In other words, Milosevic attributed all the crimes in the indictment to the consequences of NATO air strikes, additionally charging the prosecutor of compiling an indictment that had the "intellectual level of a retarded seven-year-old child".

In fact, Milosevic's claim was incorrect. Racak, the village in which at least 45 civilians were killed on 15 January 1999, heads the list of Kosovo "toponyms of horror" in the indictment, ahead of Bela Crkva, Mala Krusa, Suva Reka, Izbica, Djakovica, Meja and Dubrava, where the indictment says mass killings took place.

If Del Ponte had surpassed former NATO spokesman Jamie Shea with the Kosovo indictment, she allegedly surpassed Croatia's former president Franjo Tudjman in the Croatia indictment, Milosevic said.

Milosevic did not have time to explain how the prosecutor had "surpassed" Tudjman, however, as the judge interrupted and warned "it was not a time for speeches but for pleas", saying that since the accused again failed to enter the plea, the trial chamber would again do it for him.

Before he was silenced, Milosevic said it was "absurd to accuse Serbia and Serbs of the armed secession of Croatia, which caused the civil war, conflicts and suffering among the civilian population".

Of all distorted and twisted "facts" which Milosevic boasted of during his two-day status conference, this one is most adroit.

Milosevic alone is accused of the crimes in Croatia on the basis of individual criminal responsibility and his "superior authority" as overall commander. He is cited as the leader of the group of conspirators that conducted a "joint criminal enterprise" in Croatia and that, while doing so, he usurped the state institutions, including the army and the police.

The indictment cites 15 other participants in the "joint criminal enterprise", all of whom - excluding two who were killed in the meantime - are still under investigation. However, it appears that Milosevic wants to share responsibility for the crimes in the Croatian "enterprise" not only with the other named conspirators, but with "his" former state and people - with Serbia and the Serbs. He said that "Serbia and the Serbs stand accused".

Declining to plead on any of the counts in the indictments, Milosevic used his third appearance before the tribunal to unveil his new mission: to "overthrow" the court.

Milosevic revealed this mission after calling for the TV cameras in his cell - installed to forestall any risk of suicide - to be turned off. After announcing he would never kill himself because he does not want his children to be "the children of a person who committed suicide", he said a second motive was his determination to "fight here" and "overthrow this court and this mockery of a trial and its paymasters, who use it against people fighting for their freedom all over the world".

If Milosevic fails in the next few months in his new mission to "overthrow" the tribunal, his trial still could start on February 12, 2002, the date set by the judges, though it remains unlikely that it could start that soon. A third indictment for genocide in Bosnia still awaits him, after which the prosecutor will call for the cases to be joined so the accused can be tried on all three indictments simultaneously.

Clearing the way for the start of the trial, the judges have rejected the objections to the tribunal's jurisdiction and legality of Milosevic's transfer to The Hague submitted by three appointed "friends of the court".

The three lawyers, Michael Wladimiroff from the Netherlands, Steven Kay from Britain and Branislav Tapuskovic from Serbia, limited their objections to the issues Milosevic himself raised, attempting to supply legal arguments for his political points. (see [New Twist in Milosevic Defence](#), Tribunal Update No. 240).

Their approach satisfied no one, however, and the judges said they should broaden their arguments from a mere presentation of the accused's complaints.

Del Ponte objected especially to the "friends of the court" attempt to cite the alleged "immunity of heads of state", saying they had failed to realise the international community founded the tribunal 'precisely to bring to justice those who had been untouchable, and these primarily are heads of states".

Finally, they signally failed to impress Milosevic, who described them and the prosecution as "two teams that work for same sides", which, according to him, was a good example of "Hague fair-play".

A Dutch lawyer representing Milosevic before the courts in the Netherlands said he may launch a case against them in the Dutch courts. Describing Wladimiroff as a "Dutch mercenary", Niko Steijnen accused the amici trio of assisting the violation of Milosevic's rights, especially his right to defend himself before the international court.

Such a move, supported by the International Committee for the Defence of Slobodan Milosevic, ICDSM, may be an attempt to stimulate the international media's declining interest in Milosevic.

With each hearing, the number of journalists following Milosevic's appearance has dropped. More than 300 accredited correspondents attended the first hearing on July 3, 2001. The number fell to 200 at Milosevic's first status conference on August 30, while only 100 showed up for Milosevic's third appearance last week, of whom half vanished on the second day.

If he continues to behave in the same way and simply repeat the same phrases, Milosevic risks losing an audience altogether. He risks becoming just another accused war criminal, of whom there are about 50 in The Hague, and who play in front of empty courtrooms.

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