

ANALYSIS: Petritsch Sheds Light on Rambouillet

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Former Austrian ambassador counters Albanian claims that Serb negotiators at the Rambouillet conference were opposed to a Kosovo settlement

The Austrian diplomat Wolfgang Petritsch has disputed claims by members of the Albanian delegation at the Rambouillet peace negotiations on Kosovo in February 1999 that the Serbs never took the talks seriously and were uninterested in an agreement.

Three of the Albanian delegation - Veton Surroi, Ibrahim Rugova and Adnan Merovci - have testified in the trial of Slobodan Milosevic.

At the time relevant to the Kosovo indictment, Petritsch - giving evidence in the Milosevic trial last week - was Austrian ambassador to Yugoslavia and the European Union special representative on Kosovo.

Petritsch, Christopher Hill of the US and Boris Mayorski of Russia formed a trio at Rambouillet, carrying out shuttle diplomacy between the Serb and Albanian parties. Petritsch was, therefore, better placed to assess the Serbs' seriousness than Surroi or Rugova, neither of whom had any face-to-face contact with the Serb team.

Petritsch said the Serbian delegation at Rambouillet was "really active and significantly contributed to achievement of the compromise on the future political and legal system in Kosovo". After two weeks of talks, based on a framework established by the Contact Group - comprising the US, France, Great Britain, Germany, Italy and Russia - Ratko Markovic, one of the heads of the Serbian team, sent a letter to the trio hinting agreement in principle to the deal, which offered Albanians guaranteed "a significant level of autonomy".

The letter further expressed a willingness to discuss the "scope and

character of an international presence", Petritsch said, which could secure

implementation of the agreement. As the deal envisaged the demilitarisation and disarmament of the rebel Kosovo Liberation Army, the mediators believed an international armed force was essential, as the Yugoslav army and police had "already tried to disarm the KLA and had failed".

The Austrian diplomat said the military part of the agreement was a direct copy of the military annex of the Dayton Ohio agreement over Bosnia. As Milosevic had signed this himself in Paris in December 1995, the mediators believed he would do so again. They realised they were mistaken in the gap between the end of the Rambouillet talks on February 23, 1999 and the new round of negotiations scheduled to start on March 15 in Paris.

At a meeting with Milosevic and his associates on March 8 in Belgrade, Petritsch found the Serbs had totally changed their position. Everything they had discussed at Rambouillet was suddenly unacceptable, not only the military but also the political sections of the agreement, to which they had agreed "in principle".

"Something happened between February 23 and March 8," Petritsch recalled last week. He said his Serbian

partners in the talks told him the "something" was Milosevic's decision to reject "the path of negotiations" because he "disliked" both the political and military contents of the agreement.

As a result, even on the first day of the Paris talks "there was not a trace of the positive spirit left" on the Serbian side. It was clear the Serbian team under President Milan Milutinovic of Serbia had come to Paris with instructions not to accept any agreement. When asked who was behind this, Petritsch replied, "I can only guess, but I believe that it was Mr Milosevic".

In this case, Petritsch could only "guess". When it came to his own experiences and findings as ambassador in Belgrade he could provide more

concrete examples of the way Milosevic "pulled all the strings", "dictated everything" and always enjoyed "the last word".

Although his official functions as Yugoslav head of state were largely ceremonial, Petritsch said in reality he retained all his previous powers as President of Serbia. To illustrate this, he offered examples of how Milosevic decided even such issues as exchanges of captured soldiers between the Yugoslav army and the KLA and the permission for a Finnish forensic team to visit Kosovo.

Milutinovic, Sainovic, Markovic and the others at Rambouillet and Paris were "authorised to negotiate, but the political decisions about acceptance or rejection of the agreement was up to Milosevic", Petritsch said.

After failure in Paris, where only the Albanian side signed the agreement, Petritsch, Hill and Mayorski, met Milosevic on March 22 to inform him of the Contact Group's position. Petritsch said the message was that "time was running out" and that "positive engagement" from Milosevic's side was essential to prevent the talks leading into a cul-de-sac, making military intervention the only option for the international community.

Although the mediators were not authorised to do so, Mayorski even offered to start the whole negotiations afresh, which Petritsch said was a measure of Russia's desperation. But Milosevic was uninterested. Petritsch said he gained an impression Milosevic was "not interested in finding a way out" and "had already made his decision". He "did not even listen" to the mediators' words.

When it came to the cross-examination, Milosevic described Rambouillet as "a transparent plot" devised by the West, primarily America, to secure NATO "occupation of Kosovo" and of Serbia, so that after a three-year period expired the Kosovo Albanians could vote for independence in a referendum. In this way Kosovo would be "snatched away from Serbia, in spite of the fact that it was an integral part of Serbia".

Petritsch denied the existence of any such "trap" or "plot" against Serbia, citing Mayorski's (and Russia's) dedicated professional engagement in the Rambouillet and Paris talks. Petritsch said Milosevic misinterpreted the agreement and that no plan to "occupy" Kosovo ever existed. The international forces were simply to implement the agreement after the model adopted in Dayton, which Milosevic had accepted.

Bearing in mind that Milosevic described Petritsch, until recently High Representative of the international community in Bosnia, as the "former occupation governor of B-H" (upon which Judge Richard May discontinued further cross-examination as the accused was "not here to offend the witness") it appears Milosevic would now want to withdraw his signature from Dayton, if only he could.

But before the judge halted the cross-examination, Petritsch quoted the Rambouillet agreement to

highlight various "safeguards" in the deal that would have ensured Kosovo was not "kidnapped", as Milosevic claimed.

These included the fact that Kosovo's final status was to depend on the will of both Albanians and Serbs and on both Albanian and Serbian parties observing the terms agreed upon for a period of three years. A final solution would also have to be based on the principles of the Helsinki Charter, on which the Organisation for European Security and Cooperation, OSCE, was established, which proclaim that states' external borders cannot be changed.

Petritsch said the international mediators expressly included this provision in the agreement to ensure Kosovo would remain in Yugoslavia. "You refused to accept it and you had to face the consequences," Petritsch concluded. The consequences were NATO air-strikes and the deployment of international forces in Kosovo under far less favourable terms than those envisaged in the Rambouillet agreement.

The way Milosevic has defended himself so far shows he certainly sees the Kosovo indictment and, indeed, the very fact that he is on trial, as the direct consequence of his rejection of the "plot" he was offered at Rambouillet.

But if his rejection of the deal did result in the Kosovo indictment and Milosevic's trial, the cause was not the defendant's "misinterpretation" of the agreement and his refusal to sign it, or even his attempt to solve the Kosovo problem by military means. Milosevic has been indicted and tried because during that failed attempt, forces under his command allegedly committed crimes, which fall within the tribunal's jurisdiction.

Last week, another half dozen victims and eye witnesses of these crimes appeared before the court to face cross-examination by the accused over the written statements they gave the investigators.

In his statement of March 28, 1999, Mustaf Draga had described how he survived mass execution in Izbica, where the indictment says more than 100 Kosovo Albanians were killed that day. Milosevic disputed his testimony, saying "only God" could have saved the witness if it was true that Serbian police opened fire on a group of men with heavy machine guns from a distance of eight meters.

Hani Hoxha's statement described the killing of 21 women and children in a cellar in Djakovica, including his wife, two daughters and five grandchildren aged from two to 10. When Milosevic commented that a "NATO bomb" hit this location, Hoxha denied this, saying one of his granddaughters had escaped from the cellar and would testify on what really happened and who killed the women and children.

Halit and Hysni Berisha on March 26, 1999 lost more than 40 members of their family. According to the indictment, they were killed in a cafe in Suva Reka. However, Milosevic said the discovery of rounds inside the cafe suggested Albanian "terrorists" first opened fire on the Serbian police from the cafe after which the women, children and others were killed in "cross-fire".

It has been announced that one or two women who survived the cafe

massacre will testify before the end of the prosecution's presentation of evidence. The bodies of several members of the Berisha family were exhumed last year in Batajnica, near Belgrade, about 300 km north of Suva Reka.

Ali Gjogaj, a gravedigger from Prizren, testified about the organised relocation of mass graves in Kosovo in April and May of 1999. In the spring of 1999, he said, police took him and other gravediggers and refuse

disposal staff to various mass graves, where they loaded corpses on refrigerated lorries and transported them first to garages near the mortuary in Prizren and then to other sites and reburied them.

Milosevic, however, said the bodies were "victims of NATO bombardment" who were taken first to hospital for identification and autopsy and then buried in their home villages.

The way in which Milosevic quoted parts of witnesses' written statements in his cross-examination prompted the judges to intervene and warn him repeatedly that he was not permitted to "bend" statements and thus "cause confusion" and "delude the witnesses and the court". Milosevic, however, appeared undeterred by these objections.

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