

Kosovo Investigation: 'Milosevic' and 'Clinton and Others' Cases

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French Defence Minister Alain Richard handed over last Wednesday in Paris to Prosecutor Arbour "secret documents", which, as was announced, contain aerial photographs of the actions of the Serbian military and paramilitary forces in Kosovo, as well as other evidence that is of importance for the Kosovo investigation.

French Foreign Minister Hubert Vedrin, announced on that occasion, that Paris - following the example of Washington and London - will name a special representative for the co-operation with the Tribunal, who will prepare a regular transfer of intelligence and other information to the Office of the Prosecutor (OTP).

France will also place at the disposal of the OTP the team of forensic and ballistic experts, investigators and photographers who will - when the conditions for that have been created - together with the investigators from The Hague go to the site of crime, i.e. Kosovo and investigate the evidence in the field, including the mass graves.

The European Parliament also offered strong support to the Kosovo investigation. In the resolution on Kosovo, adopted at the last week's plenary session in Strasbourg, the European delegates stressed the "increasingly important role of the Tribunal", and called on the European Union, its institutions and member states to "provide it (the Tribunal) with new and substantial financial and organisational resources...to enable it to carry out its substantial work of investigation, gathering of evidence and examining of charges against those responsible for war crimes and crimes against humanity committed in Kosovo."

The European Parliament Members, however, demonstrated a certain degree of impatience with what they perceive as the Prosecutor's "slowness" or "hesitation".

Upon the proposal by a radical group of parliament members, the following position was built into the resolution: "The European Parliament...believes that, apart from many abuses committed, the mass deportation of hundreds of thousands of Kosovars, constitutes a sufficient basis - under the Statute of the ICTY and, in particular, Articles 2, 3, 4, 5 and 7 thereof for the immediate indictment of the highest political and military authorities in Belgrade, starting with Slobodan Milosevic."

Proposing this amendment, Members of the European Parliament Olivier Dupuis and Gianfranco Dell'Alba, announced the following declaration after its adoption: "With this resolution, the European Parliament launches a clear signal to all those who continue to hide behind arguments that the Tribunal does not yet possess the material elements to indict those most responsible for the crimes committed in Kosovo. This argument is nothing else than an alibi to do nothing. As it would have been an alibi not to indict Hitler under the pretext that all the responsible for the extermination camps had not been identified. The deportation of more than 800,000 persons constitutes indisputably, according to the Statute of the Tribunal crime against humanity. And enables therefore Mrs. Arbour to indict immediately Mr. Milosevic."

When asked by Tribunal Update to comment the demand included in the resolution of the European Parliament and the declaration by the two of its members, the Tribunal's Spokesman Jim Landale provided the following statement by Louise Arbour: "The prosecutor, Justice Arbour, will bring charges as soon as there is sufficient evidence to do so. She is anxious to see what evidence they may have, that would support this kind of charges."

A request to the Hague Prosecutor to start the investigation in the case "Clinton & Others" was added last week to a several-year-long public pressure for the indictment of Milosevic.

The Delegation of the "European Committee for the Protection of FRY and the Serbian National Interests" submitted on Monday, 3 May, the request for issuing of an indictment against the leaders of the US and NATO because of air strikes and damage caused to the FRY.

The above-mentioned Committee, whose seat is in Paris, collected over 10,000 signatures of support and enclosed them together with the request that the Prosecutor indict US President Bill Clinton, Secretary of State Madeleine Albright, Defence Secretary William Cohen, NATO Secretary General Javier Solana and Supreme Allied Commander General Wesley Clark.

All of them, the Committee believes, should be accused of genocide, crimes against humanity, grave breaches of the Geneva Conventions and violations of the law or customs of war, due to the "illegal and criminal aggression" on the FRY.

Since the representatives of the OTP could not receive the delegation of the "European Committee for the Protection of FRY and the Serbian National Interests," because they are "too busy," the petition for starting the investigation in the case "Clinton & Others" was handed over to the UN security guards at the entrance to the Tribunal. Two days later, Deputy Prosecutor Graham Blewitt said at the regular briefing in the Tribunal that the documents that were submitted to the Prosecution on Monday "contain no evidence." On the same occasion,

Blewitt stressed that the Tribunal had assumed jurisdiction over NATO the first moment the first NATO bomb dropped on the Yugoslav territory. Chief Prosecutor Arbour, according to him, has indicated to NATO countries that the same rules of conflict apply to both sides.

"The prosecutor has been reminding (NATO) states of their obligations in terms of adherence to the laws and customs of war and the Geneva Conventions...and she has received assurances from governments that they are complying with the laws of war. At this stage, the prosecutor is prepared to accept the assurances in the absence of evidence", Blewitt said.

After a NATO missile hit the Chinese embassy in Belgrade, in the night between Friday and Saturday, killing four and wounding some 20 people, China lashed out at the United States and NATO, accusing them of war crimes.

At the press conference in Sarajevo, Arbour refused to speculate about this, stressing that she did not have the facts to "offer any kind of appreciation of what the circumstances" were under which the incident took place. She, also, added: "Hypothetically, any target could be an inappropriate one and therefore give rise to charges of unlawful attack, that is, attack that has no military value. And yield the result of the loss of civilian life, anything can become unlawful. It depends very much, not only on the act itself, but of the intent or the recklessness with which they have been conducted."

[Back to the main menu] [Back to the home page] © Institute of War & Peace Reporting

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[Kosovo](#)

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