

Milosevic Renews Unfair Trial Claims

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Defendant claims he's being offered scraps of his rights as his trial reconvenes.

The trial of the former Yugoslav president Slobodan Milosevic started up again this week after an almost month-long adjournment, but got snagged once more on the second day of proceedings, following the testimony of a single witness.

Milosevic's court-assigned lawyer Steven Kay was forced to admit that even after a relatively long break, his team still faced problems finding witnesses

He also announced he would have to ask the court to issue subpoenas to about 20 important witnesses who have so far refused to cooperate with him. He described the majority of them as "various state officials" - but did not name their states.

Last month, the court had given Kay extra time to reorganise his defence after hundreds of potential witnesses refused to testify in protest against the judges' decision to deprive Milosevic of the opportunity to run his defence in person.

Milosevic fiercely criticised the decision, saying it amounted to breaking what he saw as his "minimal rights", recognised by the various international conventions and by the Hague tribunal's own statute.

The former Yugoslav president is himself accused of committing crimes amounting to breaches of a whole range of international conventions - including the Geneva and the Genocide conventions.

The judges ruled in September to assign Milosevic a lawyer after his declining health postponed the beginning of the defence case for about two months.

The medical reports they were relying on suggested that the bouts of high blood pressure that the accused suffers from would recur regularly should he continue to bear the burden of running his own defence.

This prospect had made judges fear that the trial may in fact never finish. Their fears may have been strengthened by the doctors' assertions that the accused was not adhering to his treatment regime, while taking other medications - apparently smuggled into the court's detention unit.

Since a counsel was assigned to Milosevic in September not a single trial day was lost due to his medical problems.

But the massive witness boycott has still managed to slow the trial down just as defendant's health once did. Although Milosevic never publicly called on his witnesses not to appear, his lawyer spoke this week of a "campaign" being conducted with the aim to discourage them from coming to the Hague.

Somewhat exasperated, Kay also suggested that this campaign included "most ridiculous and false" accusations against him and his team - among others of "buying off" the witnesses who appeared so far in

the court.

“Mr Kay, I wasn’t aware you were in money,” said presiding Judge Patrick Robinson of Jamaica, in an apparent attempt to diffuse the increasingly heavy atmosphere in the courtroom. Milosevic remained unruffled, slumping indecorously in his chair.

Before the witness-connected problems resurfaced again this week, the court managed to hear a testimony of a German reporter Franz Josef Hutsch – a former officer in the German army who turned to freelance reporting in the mid-Nineties and had spent the biggest part of the 1998 and 1999 in Kosovo, following the local Albanian guerrilla force, the Kosovo Liberation Army, KLA.

The witness that was scheduled to testify after Hutsch had to return to Serbia to bring an important piece of evidence he didn’t take with him, thinking it was already in the court’s possession. This has caused the loss of another one and a half trial days.

Hutsch testified that the Albanian fighters in Kosovo were joined by a range of foreign, mainly Islamic officers trained by a private US military training organisation, and he estimated their number at 80-120.

He spoke of the Kosovo war as a “staged” one. The KLA, he said, would attack isolated Serbian police patrols, counting on their disproportionate response and revenge attacks on the Albanian villages in the region where the ambushes took place. According to the reporter, they were rarely disappointed.

In the witness’ opinion, the Albanian fighters hoped such disproportionate reactions would increase sympathy and support for Kosovo Albanians in the international community and further the cause of the region’s independence.

But when he started describing the way in which the Yugoslav army, police and paramilitary conducted such disproportionate attacks, Hutsch’s testimony sounded supportive of the prosecution’s claims that they were at best indiscriminate, and often would deliberately target civilians.

The reporter spoke of how the Serbian troops would surround the Albanian villages suspected of harbouring KLA fighters in two cordons: an outside military and inner police/paramilitary. The villagers would be asked to leave, and “after about an hour, the shelling would start”, the witness said.

He described one particularly gruesome incident in the village of Velika Krusa, where he witnessed one such attack and saw its consequences – burned down houses and murdered civilians, among them children.

He also spoke of his own impressions of the Racak massacre, which the accused claims was staged in order to serve as a pretext for NATO bombing campaign of Yugoslavia in 1999.

While international observers claimed that the dozens of dead Albanian men found in an empty river bed near the village were civilians killed at close range, Milosevic maintains these were KLA fighters killed in battle and later dressed to look like civilians.

The witness told the court he had the impression that the massacre was indeed “marketed” to the foreign journalist in Kosovo by the head of the OSCE Kosovo Verification Mission William Walker, but then he went on to describe the dead Albanian men as mostly “in their late 40s, early 50s” and “not the kind of people

the KLA would recruit". He confirmed the majority had wounds to their heads, suggesting that they had been shot at close range.

Another part of the "staged" war, the witness said, was that the KLA would forbid the Albanian refugees to return to their villages once they were safe, and instead "kept" them in the nearby woods "until the reporters arrived". Sometimes, he said, they would ask the Albanians to leave their villages in order to set up their operational basis there; at other times, he said, they would forbid civilians to leave their villages when they knew a Serb attack was imminent.

He named several KLA field commanders whom he said had openly described this as their tactics.

"The KLA had good PR managers," the witness said at one point.

But he also added that the "staged" removal of civilians was just a part of the story, and that many were fleeing their villages in genuine fear of Serbian troops - especially after the beginning of the NATO bombing campaign. He also confirmed he found a graveyard of tractors and burned IDs at a border crossing through which the Albanians were leaving Kosovo after the start of the bombardments.

Burning Albanians' IDs is seen by the prosecution as the crucial evidence of Belgrade's intention to have them permanently removed from the province and prevent their return after the end of the war.

After Hutsch finished his testimony, Milosevic lashed out at his lawyer again, saying he failed to extract from the witness a whole range of important facts. But when the judges offered to allow him to ask the witness additional questions to make up for this, he refused saying he was being offered "scraps of [his] rights".

He promised to call Hutsch to testify again, "when" (as opposed to "if") the appeals chamber restores his right to self-representation.

Kay has filed an appeal against his own appointment last month and the appeals chamber will hear the arguments on this issue next week.

But this week, the judges who made this decision seemed as determined as ever to have the trial continue along the lines they established. Visibly angered, Robinson reminded Milosevic that he has been given the opportunity to participate in his own defence, to ask additional questions and to consult his lawyer, or name his own but has repeatedly failed to seize any of these opportunities.

This, the judges appear to think, severely undermines his claims later on that important evidence in his favour has not been presented.

"If that is the case, that is on your head, Mr Milosevic," the presiding judge warned him. "It is not the fault of Mr Kay or of this court."

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Location: [Serbia](#)
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Focus: International Criminal Tribunal for the former Yugoslavia

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