

Milosevic Subpoena Bid Unsuccessful

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Court denies request by assigned counsel to compel high-profile politicians to give evidence about Kosovo conflict.

Judges at the Hague tribunal have refused to order British prime minister Tony Blair and former German chancellor Gerhard Schroeder to testify about NATO's role in Kosovo as part of war crimes proceedings against Slobodan Milosevic.

The refusal, published on December 9, was written in reply to a confidential request for the two to be compelled to give evidence, apparently filed by the ex-Yugoslav president's court-assigned defence lawyer Steven Kay on August 18.

Milosevic, who insists on his right to defend himself and has spurned Kay's services, has repeatedly said that he wants to see Blair and Schroeder in the witness stand. He has declined, however, to begin formal proceedings himself to have them subpoenaed.

The trial chamber, led by Presiding Judge Patrick Robinson, said Kay's submission failed to satisfy them that Blair and Schroeder's testimony would be specifically relevant to the case and that the information they might provide could not be obtained in some other way.

Kay apparently argued in his original confidential submission that the two men would be well-placed to give valuable testimony about Milosevic's role as a peacemaker in the Kosovo crisis, during which he is accused of attempting to ethnically cleanse the region of its Albanian population.

They would also be in a unique position, he argued, to speak about support provided by the United Kingdom and Germany for what he referred to as "aggression" against Yugoslavia by NATO and the Kosovo Liberation Army, KLA.

The latter theme, he said, might include evidence about defence allegations that NATO trained and armed the KLA, and that it coordinated with Albanian rebels on the ground during the air campaign which drove Serb forces out of Kosovo in 1999.

Kay added that Blair could also speak about "inaccurate information given by the UK government to the media" about events in Yugoslavia in the late Nineties.

He requested that the British and German governments be ordered to make arrangements for Blair and Schroeder to testify. In the event that they should refuse, he asked that the individuals themselves be issued with subpoenas.

The judges ruled, however, that many issues about which the defence wished to question the two men – including alleged UK and NATO support for the KLA – was in fact irrelevant to the question of Milosevic's guilt or innocence on war crimes charges.

"The trial chamber is doing what it's supposed to be doing... controlling the flow of evidence and confining it to relevant evidence that addresses the issues in the indictment, not what's on Milosevic's mind," said Edgar Chen, a long-time observer of trials at the Hague tribunal for the Coalition for International Justice.

Some of the issues raised were pertinent to the case, the judges allowed, including allegations that it was in fact NATO bombing that caused thousands of Albanians to flee their homes in 1999, rather than the alleged ethnic cleansing campaign by Serb security forces.

But given that Blair and Schroeder were not claimed to have any personal knowledge of events on the ground, they said, there was no reason to think that their testimony on these issues would be uniquely helpful.

The judges also said that Kay's submission could in fact have been thrown out purely on the grounds that it wasn't specific enough about how the two men's testimony was supposed to be relevant to the trial. Kay has in the past complained that Milosevic refuses even to speak with him.

The defence will now have the option of appealing the trial chamber's decision.

The 190-odd witnesses that Milosevic has indicated he wishes to call between now and the end of his defence case also include Bill Clinton, who was president of the United States during the war in Bosnia.

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