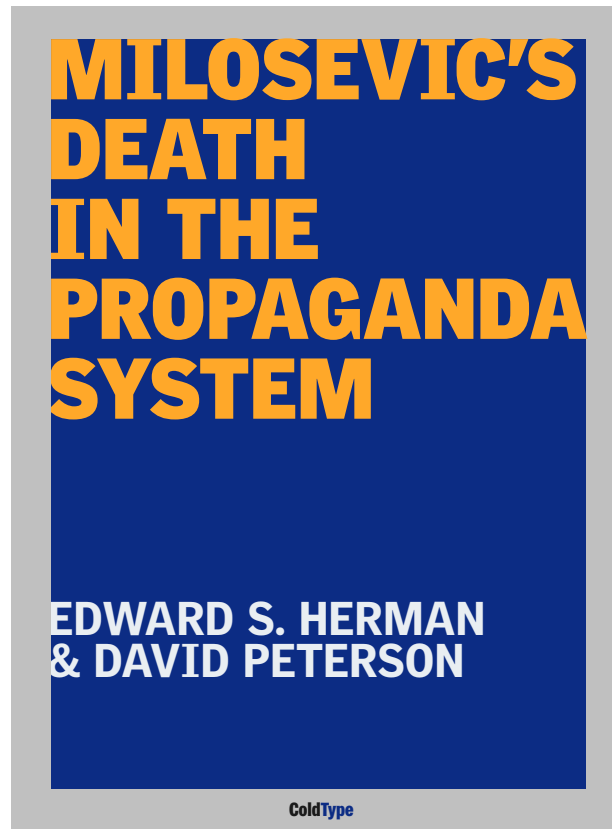


**MILOSEVIC'S
DEATH
IN THE
PROPAGANDA
SYSTEM**

**EDWARD S. HERMAN
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ColdType



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The March 11 death of former Yugoslav President Slobodan Milosevic in his prison cell in The Hague was greeted by Western political circles and media alike with an outpouring of venom that reflected the demon role assigned to him in the myth-making of the past 15 years. Milosevic was a “monster,” a “sociopath,” and a “war criminal who wrecked southeastern Europe in the latter part of the 20th century,” former U.S. Ambassador to the United Nations and a chief architect of Clinton era policy toward the region, Richard Holbrooke, told the Cable News Network the very first morning. “Milosevic started four wars. He lost them all. The biggest of them all was the one in Bosnia, where over 300,000 people died, two-and-a-half million homeless. And we bombed him in August and September of 1995. We should have done this much earlier.”¹ During this and the ten days following his death terms such as “Butcher of the Balkans” and “Butcher of Belgrade” were used dozens and perhaps hundreds of times in the U.S. media alone (and widely used abroad as well).²

Milosevic was the demon inserted between the two rounds of demonization of Saddam Hussein (1990-1991 and 2002-2006). Thus, the “Butcher of the Balkans” was elevated to the same pantheon of officially designated monsters as the Butcher of Baghdad, whereas other figures such as Ariel Sharon, whose 1982 invasion of Lebanon and the subsequent managed killings at Sabra and Shatila were cited by the International Criminal Tribunal for the Former Yugoslavia (ICTY, or Yugoslav Tribunal) as an illustration of “genocide,”³ remains an honored statesman, a “man of peace,” and certainly never the “Butcher of Tel Aviv.”

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The political basis of these designations is made clearer by the fact that Milosevic had been Richard Holbrooke's partner in arriving at the Dayton Peace accords of 1995, with Bosnian Serb leaders Ratko Mladic and Radovan Karadzic, later to be made his co-villains, already designated war criminals by the ICTY. "People keep asking whether Milosevic is going to deliver on the peace agreement," Holbrooke said at Dayton. "It's impossible to answer that question right now. All we know is that he has delivered on everything...over the past four months."⁴ Similarly, Saddam Hussein was a partner of the United States and Britain throughout the 1980s, given economic and military aid and diplomatic support by this Anglo-American coalition. There were no "butcher" designations then, although it was during this period that Saddam's behavior was at its most deadly and he was actually using "weapons of mass destruction," although with Western support. Exemption from invidious language as well as sanctions, bombing, and trials in courts of justice follow from offering positive service, and of course the same exemptions attach to the powerful able to guide and/or use these subaltern leaders!⁵

As regards Milosevic, his initial indictment for war crimes by the ICTY, on May 22, 1999, said nothing about Bosnia – it was based solely on his alleged "superior authority" and command responsibility for 344 deaths in Kosovo, all but 45 of which occurred *after* NATO began its bombing war against Yugoslavia on March 24, 1999.⁶ Croatia and Bosnia were only brought into the picture by the ICTY prosecutor several months after Milosevic's June 28, 2001 kidnapping and transfer to the Hague, surely based on the fact that the number of bodies found in Kosovo after the end of the bombing war was disappointingly small, and certainly not sufficient to sustain a charge of "genocide."⁷ Hence Croatia and especially Bosnia, although these also posed a potential numbers problem, and there was the awkwardness of the six year delay in bringing in Milosevic as the lead villain in that case, and the problem of his constructive role in Dayton and earlier peace efforts (described below). However, the Tribunal could count on the mainstream media not bringing up these awkward matters, and you will not find them mentioned in the numerous articles on the trial by Marlise Simons in the New York Times.⁸

As regards the numbers problem, here too mainstream media protectiveness of the demonizing narrative was at a high level. For Kosovo, the U.S. Defense and State Departments had claimed at various times during the bombing war that 100,000, 225,000 and in one press release 500,000 Kosovo Albanians had been

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killed by the Yugoslav army.⁹ This was eventually pared to 11,000, although after a uniquely intensive search only some 4,000 bodies were found, including unknown numbers of fighters and victims of NATO and KLA actions; and as of early March, 2006, only 2,398 people remain listed by the Red Cross as still missing.¹⁰ There has never been any hint of criticism in the mainstream media of the inflated numbers given by U.S. officials, nor have there been any doubts expressed as to the accuracy of the 11,000 figure, although it came from sources of proven unreliability and was 70 percent higher than the official body count plus list of missing (6,398). In the New York Times, Michael Ignatieff explained that if the numbers of bodies found was less than 11,000 it must have been because the Serbs moved them out.¹¹ He never explained why the bodies plus missing total fell far short of 11,000, but he didn't have to worry: in dealing with a demonized enemy anything goes.

By January, 1993, Bosnian Muslim officials were claiming that 200,000 or sometimes greater numbers of Bosnian Muslims had been slaughtered by the Serbs,¹² and although the numbers were unverified and emanated from a biased source they were immediately accepted and institutionalized by the mainstream media and journalist campaigners for war like David Rieff, Ignatieff, Christopher Hitchens, and Ed Vulliamy. Smaller estimates, under 100,000, by former State Department official George Kenney and others with intelligence access, were simply ignored. However, in 2003, a study by Ewa Tabeau and Jakub Bijak, researchers working for the Demographic Unit of the Office of the Prosecutor at the ICTY, and ongoing research by Mirsad Tokaca, at the Sarajevo-based and Norwegian and Bosnian government-funded Research and Documentation Center, both came out with estimates of total Bosnian deaths on the order of 100,000.¹³ In the Tabeau-Bijak study only 55,000 of these were civilians, including over 16,000 Serbs. These are certainly not negligible numbers, but they are far less satisfactory than 200,000 Bosnian Muslims (or more) if you are eager to make a case for their being victims of "genocide" and to justify the intense focus on this killing area as opposed to others, some of which involved numbers running to seven digits.¹⁴

It should be noted that there has also been a challenge to the claimed numbers of executions in the Srebrenica massacre, which has been maintained at 8,000 since the events of July 1995. In this case, as in Kosovo, the number of bodies found in the vicinity fell far short of the initially claimed (and long sustained) total--only

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some 2,600, including unknown numbers who may have been killed in action or before July 1995. Other evidence in support of the 8,000 has been meager, and despite Madeleine Albright's statement in August 1995 that "we will be watching" via satellite, no satellite evidence of moved or reburied bodies has ever been provided to the public. There is a good case to be made that, while there were surely hundreds of executions, and possibly as many as a thousand or more, the 8,000 figure is a political construct and eminently challengeable.¹⁵

But doubting the Srebrenica narrative is dangerous, and even approving the work of someone who has raised any questions whatsoever can elicit attacks. This was dramatically evident in an interview of Noam Chomsky by Emma Brockes, published in the London Guardian on October 31, 2005, where the headline of the interview read¹⁶

Q: Do you regret supporting those who say the Srebrenica massacre is exaggerated.

A: My only regret is that I didn't do it strongly enough.

The quotes were manufactured by Brockes and The Guardian, with Brockes claiming additionally that Chomsky said that "during the Bosnian war the 'massacre' at Srebrenica was probably exaggerated," after which she sneers at his childish use of quotation marks, which again she constructed out of the whole cloth – quotation marks are not used in verbal interviews – along with Chomsky's alleged remark on exaggeration. Chomsky did laud Diana Johnstone's book *Fools' Crusade* and signed a letter assailing a decision not to publish it in Sweden. Johnstone is said by Brockes to have claimed that the Srebrenica numbers executed were "exaggerated," but Johnstone never used that word, never denied executions, and spent most of her discussion of Srebrenica on its context and the uses to which the massacre claims were put. It is enlightening, however, to see that any suggestion that the 8,000 number was inflated is illicit and to be condemned, without further discussion.

Brockes's misrepresentations were sufficiently clear and numerous that The Guardian published a set of comments titled "Corrections and clarifications" and removed the interview from their web site.¹⁷ This in turn elicited a furious response from what we may call the "Bosnia Genocide Lobby," a well-organized set of institutions and individuals funded by George Soros, Western governments,

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and others, who attack any challenges to the established narrative. One of the more important responses to the “corrections” was a letter signed by 25 writers and analysts, a number affiliated with the Lobby’s organizations – the Balkan Investigative Reporting Network (publisher of *Balkan Insight*), the Bosnian Institute, and the Institute for War and Peace Reporting – and journalists like David Rieff, David Rohde, and Ed Vulliamy, all of whom challenged the “correction” and called upon *The Guardian* to retract it.¹⁸

Perhaps the most notable feature of this letter is its use of the words “revisionism” and “denial” to refer to any questioning of the established number, and its treating any suggestion of doubt as intolerable. The “authority” on a matter like whether there was “genocide” is the ICTY, “an international court established by the United Nations” – hence presumably an independent and authoritative body, despite massive evidence to the contrary (see below). Interestingly, the ICTY itself indicated that the 8,000 figure might be exaggerated, as its judges stated that the evidence only “suggests” that a “majority” of the 7,000-8,000 classed as “missing” were executed, as opposed to dying in the fighting, which gives a possible figure of only 3,600-4,100 executed, the judges thus falling into the “revisionist” and “denial” class.¹⁹

Of course, the Tabeau-Bijak papers and the research of the Tokaca-led RDC (not yet finalized at the time of this writing) are also clear-cut cases of “revisionism” and “denial,” according to the Lobby’s peculiar usage of these terms. But given the fact that the work of the former was supported by the ICTY itself and the latter by the Norwegian and Bosnian governments, the Lobby’s reflexive resort to this kind of charge could not be employed. In this case the chosen route was silence, a route also taken by the mainstream media and U.S. officials.²⁰ For the media across the globe, a Nexis database search for the first eleven days beginning with Milosevic’s death²¹ discloses that the reported death toll from the wars in Bosnia and Herzegovina – or in the former Yugoslavia altogether²² – was said to be 200,000 or greater in at least 202 different items (i.e., news reports, obituaries, editorials and op-eds), and 100,000 in only 13. Indeed, in at least 99 different items, the death toll was estimated to be 250,000; and 300,000 in no less than 27 different items. For the U.S. media alone the ratio was 76 to 2. Although it has been the conclusion of the ICTY’s as well as the Bosnian Government’s researchers that a figure in the vicinity of 100,000 is the more accurate estimate for war-related

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deaths in Bosnia, that figure was the least-often cited in reports and comments on the wars. It is testimony to the deep-seated bias of the media that the death toll issued by relatively scholarly establishment sources is not able to displace the old and higher figures that were issued by Bosnian Muslim officials who were noted for lack of scruple.²³ The journalists hate to abandon numbers that have fitted their biases so well.

THE ICTY AS A POLITICAL ARM OF NATO

Before examining the charges Milosevic has faced in his trial, let us look more closely at the body that brought those charges, that “international court established by the United Nations.” It is of course an interesting fact that the United States, which has been a leader in the organization and support of the ICTY, has refused to have anything to do with the recently organized International Criminal Court, allegedly because it poses a threat of “politicization.”²⁴ Unbiased commentators might ask whether the problem with the ICC might be that it was less subject to U.S. control than the ICTY, and whether the merit of the ICTY from the U.S. standpoint might have been its domination by the United States and hence politicization in a proper direction. The point doesn't arise for apologists for the ICTY such as the 25 signers of the pro-Brockes letter to *The Guardian* or to Marlise Simons et al., in good part because dominant U.S. influence is seen as natural, appropriate, and assuredly to be used for proper ends. The word ‘politicization’ is not used in such cases of deep internalized bias, any more than words like ‘aggression’ or ‘terrorism’.

But in fact the politicization of the ICTY was thoroughgoing, with initial organization, staffing, funding, and the vetting of top personnel by high NATO officials,²⁵ with the NATO powers providing (or withholding²⁶) information and serving as the police arm of the ICTY, and most critically, with the ICTY's actions closely geared to NATO demands.

The political role of the ICTY was even openly acknowledged by former State Department lawyer Michael Scharf, who stated back in 1999 that the organization was seen in the government as “little more than a public relations tool,” useful also “to isolate offending leaders diplomatically” and to “fortify the international political will to employ economic sanctions or use force.”²⁷ York University Professor of Law Michael Mandel has made a convincing case in his *How America Gets Away With Murder* that the ICTY was brought into existence “as a way of

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opposing the peace process and justifying the military solution that they [U.S. leaders] favored.”²⁸ He points out that State Department official Lawrence Eagleburger named the top Serb leaders as war criminals in December 1992, shortly before the ICTY was created in 1993, and that U.S. officials were already using alleged Serb criminality to subvert peace plans that were under consideration in 1992 and 1993. The argument was that “justice” must not give way to political expediency and goals such as ending conflict without more fighting. “In other words, the proposal for a war crimes tribunal was used by the Americans to justify their intention to go to war, collateral damage and all, by branding their proposed enemies as Nazis.”²⁹

The proof of the Mandel charge is the evidence of history. The United States and Izetbegovic scuttled the important Lisbon peace agreement of February 1992, and they helped prevent peace via the Vance-Owen and Owen-Stoltenberg plans, as is described in David Owen’s memoir *Balkan Odyssey*.³⁰ This peace-prevention program kept the Bosnian wars going for nearly four years in all, ending up with a settlement at Dayton that reduced Bosnia to a NATO colonial province. In the run-up to the Kosovo war, the ICTY’s work was very closely geared to NATO’s (and essentially the U.S.’s) plan for war. As NATO began planning for war in June 1998, the ICTY began a parallel campaign of well-publicized accusations and investigations of Serb actions in Kosovo and denunciations of Serb behavior.³¹ In one of the landmark events propelling war, with the killings at Racak on January 15, 1999, ICTY chief prosecutor Louise Arbour rushed to seek admission to the scene on the very next day, quickly declaring this a “war crime,” based solely on a communication with U.S. and OSCE representative William Walker.³² Two months later, on March 31, 1999, just a week after the bombing war began, Arbour held a press conference to publicize the formerly sealed indictment of Zeljko Raznatovic (“Arkan”), an indictment prepared as early as September 1997, but released at a time when it geared well with the propaganda needs of the NATO powers.³³

The indictment of Milosevic and four others on May 22, 1999 (though not published until May 27),³⁴ was a high- point in ICTY public relations service to NATO, and was clearly done in collaboration with NATO officials.³⁵ It occurred in the midst of the 78-day NATO bombing war against Yugoslavia, and more specifically at a time when NATO had begun bombing Serbian civilian facilities and infrastructure. This last was causing unease and eliciting criticism even in the NATO

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countries, and the indictment served the public relations function of distracting attention from the new turn in the NATO bombing to the villainy of the leaders of the target country. Clinton, Madeleine Albright and James Rubin quickly called attention to this implication, Albright stating that the indictments “make very clear to the world and the publics in our countries that this [NATO policy] is justified because of the crimes committed, and I think also will enable us to keep moving all these processes [translation: *bombing*] forward.”³⁶

The indictment was put together hastily, based on information supplied the ICTY prosecutor by the United States and United Kingdom, both interested parties, information admittedly unverified by the Tribunal itself (despite prosecutor Arbour's statement on April 20, 1999 that “We are subject to extremely stringent rules of evidence with respect to the admissibility and the credibility of the product that we will tender in court, we certainly will not be advancing any case against anybody on the basis of unsubstantiated, unverifiable, uncorroborated allegations”³⁷). Its political nature was further indicated by statements by Arbour at the time, that she issued the indictment because “the evidence upon which this indictment was confirmed raises serious questions about their [the indictees] suitability to be guarantors of any deal let alone a peace agreement.” Of course, Milosevic and his indicted colleagues had not been tried and convicted, but although Arbour stated that indictees are “entitled to the presumption of innocence until they are convicted,” the “evidence” here (unverified by the ICTY) demanded that that rule be set aside!³⁸

Still earlier, in July 1995, the ICTY had indicted Mladic and Karadzic for their roles in wartime Bosnia and Herzegovina, including the charge of “genocide” for the conduct of their subordinates at various detention facilities dating back to 1992. Four months later, in mid-November, the ICTY extended this indictment to cover a second count of “genocide” at Srebrenica, well before the facts of the case had been collected and verified by the ICTY, but serving to exclude these two Bosnian Serb officials from the Dayton process.³⁹ Noting that the indictment “marks a fundamental step,” then-ICTY President Antonio Cassese explicitly acknowledged its political objective in an interview with the Italian newspaper L'Unita. “The indictment means that these gentlemen will not be able to participate in peace negotiations,” Cassese emphasized. “Let us see who will sit down at the negotiating table now with a man accused of genocide.”⁴⁰ As Scharf noted in 1999, one of the aims in the creation of the ICTY was “to isolate enemy leaders

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diplomatically” – a political aim, not a judicial one.⁴¹

While Arbour was extremely alert to the unverified war crime at Racak, offering next day service, when Michael Mandel presented her with a three volume dossier on NATO war crimes in May 1999, it took her and her successor Carla del Ponte an entire year to consider the case, with del Ponte finally declaring that a preliminary check had found that this set of allegations did not even provide a basis for opening an investigation! An internal report had declared that with only 495 dead victims “there is simply no evidence of the necessary crime base for charges of genocide or crimes against humanity,” although 45 deaths at Racak had put Arbour into aggressive motion and the May 22, 1999 indictment of Milosevic listed only 344 victims, unverified by the ICTY.⁴² The ICTY’s “independence” is further clarified by the fact that del Ponte’s leading expert in developing the case for no investigation indicated that he had relied on NATO country press releases as an information source, declaring them “generally reliable and that explanations have been honestly given.”⁴³ We may recall prosecutor Arbour’s assurance, cited earlier, that her office employs only “extremely stringent rules of evidence” that exclude “unsubstantiated, unverifiable, uncorroborated allegations,” now clearly excluding allegations by her (and del Ponte’s) NATO masters.

These evidences of ICTY political subordination, even facilitation of war crimes – the bombing of Serb civilian facilities was stepped up immediately following the ICTY indictment of Milosevic in late May 1999 – and its laughable basis for not even investigating NATO’s war crimes, would have discredited the ICTY as a supposedly judicial body, if we were not dealing with a well-oiled propaganda machine that can swallow anything in the cause of bringing “justice” to a demonized enemy. And demonization is easy in dealing with a civil war, where there are many victims with just grievances and/or political axes to grind. The trick is to choose the right ones, parade them in great numbers and with emotions rife, allow unlimited use of hearsay evidence,⁴⁴ attribute their pain to the demon, strip away the context, and rewrite history, and it will be evident that justice demands the demon’s head.

THE CHARGES AGAINST MILOSEVIC

In the demonization of Milosevic, some of the major claims supporting his demon status were formulated in the charges spelled out in the several indictments against him,⁴⁵ along with the evidence brought in support of those

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charges. These all had been or became premises of the mainstream media and members of the Lobby. Let us turn to those charges and see how they stand up today, the prosecution having completed its case in late February 2004, and Milosevic putting up his defense from late August, 2004, cut off by his death.⁴⁶

1. Author of four wars and orchestrator of those wars

Central to the ICTY case and repeated in virtually all the articles on the death of Milosevic is the claim that he was not just personally responsible for the Balkan wars of the 1990s, but that he was perhaps uniquely responsible for them as well. Thus the indictments of Milosevic are replete with charges that he participated in a “joint criminal enterprise as co-perpetrator,” and that, depending on the territory at issue (Kosovo, Croatia, or Bosnia), the “purpose” of each of these joint criminal enterprises was the “expulsion of a substantial portion of,” or the “forcible removal of the majority of,” or the “forcible and permanent removal of the majority of” the ethnic non-Serb populations from each territory, either to “ensure continued Serbian control” or to create a “new Serb-dominated state” – the so-called “Greater Serbia” that has so entranced Western commentary.⁴⁷ Milosevic “bore chief responsibility for the break-up of Yugoslavia...and for the subsequent wars,” Misha Glenny maintained throughout a series of obituaries about Milosevic.⁴⁸ As Richard Holbrooke summed up the demon theory in an op-ed column, Milosevic’s death in his prison cell “knowing he would never see freedom again” was a “fitting end for someone who started four wars (all of which he lost), causing 300,000 deaths, leaving more than 2m people homeless and wrecking the Balkans.”⁴⁹ Following Milosevic’s death, sentiments such as these were an almost uniform refrain in the Western media. The other nationalisms that surfaced in these wars were allegedly responsive; only that of Milosevic and the Serbs was causal.

This evil villain interpretation of recent Balkan history is not merely simple-minded, it is contradicted by massive evidence. For one thing, it falsifies the role of the other nationalisms in the Balkans – Croatian nationalism was strong and its proponents like President Franjo Tudjman were eager and planning for secession well before Milosevic was in power;⁵⁰ and Bosnian Muslim President Alija Izetbegovic’s drive for Muslim domination in Bosnia dated back at least as far as his Islamic Declaration of 1970.⁵¹ Secondly, it overstates Milosevic’s nationalism, which was itself responsive to the perceived threats to Serbian interests and

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nationalist sentiments arising from his constituents; and his famous ultra-nationalist speeches of 1987 and 1989 were not ultra-nationalist at all. At various points, these speeches touted the importance of “brotherhood and unity” to the survival of Yugoslavia; they warned against all forms of “separatism and nationalism” as anti-modern and counter-revolutionary; and they called for mutual toleration and “full equality for all nations” within a multinational Yugoslavia, using language carefully kept out of news reports of those speeches.⁵² Among the myths constructed to explain the breakup of Yugoslavia and its incorporation into Western structures, surely the one that accuses Milosevic of having used these two speeches to stoke the nationalistic fires that would accompany Yugoslavia’s demise ranks as the most enduring.

Third, this view grossly underrates the role of Germany, the United States and other external powers in producing and underwriting the wars. Germany led the way in encouraging Slovenia and Croatia to secede from Yugoslavia, in violation of the Helsinki agreement and Yugoslav Constitution. Any Yugoslav army action to prevent this illegal secession and protect the integrity of Yugoslavia’s common state could be said to be “responsive,” with Germany and the leaders of the seceding countries “authors” of the wars that followed.

Fourth, the great powers were also heavily responsible for these wars by their refusal to allow the “nations” within the seceding artificial republics to remove themselves and stay with Yugoslavia or merge into Serbia or Croatia peacefully. The EU-sponsored Badinter Commission (1991-1992) declared against such separation, although this would have been a plausible right of secession at least as justified as the secession of the republics. This externally imposed declaration was heavily responsible for the ethnic struggles and cleansing that ensued.

Fifth, Milosevic was president of Serbia, but not Yugoslavia, at the time of Slovenia’s secession in late June, 1991, and had nothing to do with the Yugoslav army’s response.⁵³ That response was confused and extremely modest, with skirmishes that lasted only ten days. Some “war”! As for Milosevic’s responsibility for the Kosovo war, it is now clear that the United States and its allies, including the ICTY, were preparing for a war by April 1998,⁵⁴ with the United States eventually helping arm the KLA and giving the KLA reason to believe that NATO would eventually come to its aid by direct military intervention. It is also well established that the early 1999 Rambouillet peace talks were a fraud, with the “bar” deliberately raised to assure Yugoslav rejection and justify a military attack.⁵⁵

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Milosevic didn't start this war, the United States and its NATO allies did, and they did so in plain violation of the UN Charter.

2. Aim to create a "Greater Serbia"

In the series of ICTY indictments of Milosevic, the claim that he was striving to produce a "Greater Serbia" ranks high in the explanation of the Yugoslav wars. Six years ago, Tim Judah wrote that it was a "cruel irony" that it all began with the slogan "All Serbs in One State;" and in an obituary in the Washington Post this past March, we read again that Milosevic's "pledge to unify all Serbs in one state turned into an ironic promise."⁵⁶ But in truth this is neither a "cruel" nor any other kind of irony. Much less is it a valid explanation. Rather, it is a gross misrepresentation of both the dynamics of those cruel conflicts and of Milosevic's language and politics. In one of the most remarkable developments in the Milosevic trial, on August 25, 2005, after former deputy prime minister of Serbia Vojislav Seselj had given compelling testimony that this notion of a "joint criminal enterprise" and Milosevic's role in the supposed search for a "Greater Serbia" was incompatible with a wide array of facts, prosecuting counsel Geoffrey Nice acknowledged to the court that Milosevic had never advocated a "Greater Serbia" but rather that he wanted all Serbs to remain living together in one state.⁵⁷ That is, Nice conceded that Milosevic's aim was defensive – that he wanted to prevent the dismantling of Yugoslavia, but as a second line of defense he sought to help the stranded Serb minorities in the exiting republics stay together. This of course was what Abraham Lincoln was doing after the secession of the Southern states in the run-up to the Civil War – presumably, he was trying to create a "Greater America." This spectacular admission by Nice, which confused the judges, would seem to have removed or rendered innocuous a central ICTY charge.

But it is not even true that Milosevic fought regularly to keep all Serbs in one state. He either supported or agreed to a series of settlements, like Brioni (July 1991), Lisbon (February 1992), Vance-Owen (January 1993), Owen-Stoltenberg (August 1993), the European Action Plan (January 1994), the Contact Group Plan (July 1994), and ultimately the Dayton Accords (November 1995) – none of which would have kept all Serbs in one state. He declined to defend the Krajina Serbs when they were ethnically cleansed from Croatia from May to August 1995. He agreed to an official contraction in the earlier Socialist Federal Republic of Yugoslavia to the Federal Republic of Yugoslavia (i.e., to Serbia and Montenegro

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– itself now undergoing a final breakup), which in effect abandoned the Serbs in Croatia and Bosnia to their fate outside any “Greater Serbia.” His aid to Serbs in both Croatia and Bosnia was sporadic, and their leaders felt him to have been an opportunistic and unreliable ally, more concerned with getting sanctions against Yugoslavia removed than making serious sacrifices for the stranded Serbs elsewhere.

In short, Milosevic struggled fitfully to defend Serbs who felt stranded and threatened in hostile secessionist states of a progressively dismantled Yugoslavia; and he wanted but did not fight very hard to preserve a shrunken Yugoslav Federation that would have kept all the Serbs in a successor common state. To call this a drive for a “Greater Serbia” is Orwellian political rhetoric that transforms a weak (and failed) defense into a bold and aggressive offense.

3. Leader with command responsibility of a “joint criminal enterprise” aiming to eliminate Bosnian Muslims

The ICTY has been extremely demanding in applying the concept of command responsibility to Milosevic, and remarkably liberal in finding him leader of a “joint criminal enterprise.” During the trial not one of the 296 prosecution witnesses testified to any instruction to commit actions that constituted war crimes or to his expression of approval of criminal actions, and no documents were put into the record supporting the prosecution view on these matters (whereas quite a few witnesses testified to his anger at war crimes, and cited cases of prosecution of Yugoslav personnel for war-criminal activities). But still, he should have known and was responsible for his subordinates. Needless to say, the same rule was not applied by the ICTY to the top leaders of NATO, Croatia, and Bosnia and Herzegovina.

The “joint criminal enterprise” concept was adopted by the prosecution to extend his indictment responsibilities to warfare in Croatia and Bosnia and Herzegovina, and especially to join Milosevic with Mladic and Karadzic as partners in the more extensive killings in Bosnia.⁵⁸ It was awkward that the latter two were indicted back in 1995 and not the “boss,” but as noted earlier the media won't notice. In the indictments of Milosevic issued during 2001, the boss and the Bosnian Serb leaders allegedly had a common goal: To eliminate the Muslims in the interest of that “Greater Serbia.” Unfortunately, no common “plan” was ever uncovered, but the alleged partners did sometimes cooperate and Muslims were

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killed.

There is much solid evidence of a Croat-U.S. plan to remove Serbs from the Krajina, efficiently implemented in May and August 1995, but somehow this has never been pursued by the ICTY as a “joint criminal enterprise.” The one involving Milosevic also runs up against Milosevic’s previously mentioned acceptance of a series of peace plans from 1991 onward, sometimes with furious opposition from the Bosnian Serb leaders, efforts by the demon that obviously did not envisage the elimination of Muslims.

4. Guilty of “genocide”

Milosevic could be indicted for two counts of “genocide” in 2001 because earlier in that same year the Bosnian Serb General Radislav Krstic had been found guilty of “genocide,” and Milosevic was the boss of the “joint criminal enterprise.” The Krstic judgment was based on the events at Srebrenica, but was built on ICTY judge-logic that, like the argument for a “joint criminal enterprise,” is not merely untenable, but nonsensical. Can you be aiming to exterminate *all* Bosnian Muslims if you spare the women and children and execute largely if not exclusively military-aged men until then encamped in one of the supposedly demilitarized “Safe Areas”? The court’s ruling in the Krstic judgment was that actions constitute genocide if the perpetrators regarded “the intended destruction as sufficient to annihilate the group as a distinct entity in the geographic area at issue.”⁵⁹ This made genocide the equivalent of ethnic cleansing, and there must have been dozens of cases of “genocide” in Bosnia on this foolish criterion,⁶⁰ including many carried out by Bosnian Muslim leader Naser Oric in 1992-1993 in the villages near Srebrenica. It would very clearly make the Croatian removal and killing of the Krajina Serbs (with active U.S. aid) a case of genocide – more clearly in fact than the Srebrenica massacre, as the Croatian cleansing involved the killing of several hundred women and children and covered a much larger geographic area.

The Krstic finding of genocide was not only tooled and used selectively by the ICTY, it was a debasement of the meaning of the word and arguably a “revisionist” usage that downplays the significance of policies that aim to wipe out an *entire* people (as Elie Wiesel himself has pointed out⁶¹). What is more, the Milosevic trial produced not one iota of evidence that Milosevic knew about, or approved, or had the power to control the events at Srebrenica, which were rooted in local conditions and carried out by Bosnian Serb forces. Indeed, in a schol-

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arly and exhaustive study, Dutch historian Cees Wiebes writes that the “mood in Belgrade was one of disbelief...An interview with [the Bosnian-Serb mining official] Rajko Dukic, who talked to Milosevic after the fall of the enclave, indicates that [Milosevic] was indeed surprised. [Milosevic] had asked the group of persons that included Dukic ‘which idiot’ had taken the decision to attack Srebrenica.”⁶²

THE DEATH - OR KILLING - OF MILOSEVIC

The death of Milosevic was a boon to the ICTY. His defense was going well, and had dealt severe blows to the prosecution claims on his supposed aim of a “Greater Serbia,” the Racak massacre, the supposedly close links and common aims of the joint conspirators, the history of the wars for which Milosevic was claimed to be responsible, and the policies of the Yugoslav military and police. Of course his defense was almost entirely unreported in the mainstream media, but it would have made the judges final decision and report problematic. Given the political role of the ICTY and biases deeply embedded in the carefully chosen judges, as well as the media and culture at large, there is no doubt that Milosevic would have been found guilty – a political court provides a political decision. But their report and decision would have been vulnerable to critical attack, as there is no way that an honest and unbiased court could avoid finding against the prosecution. In fact, it would have thrown the case out a long time ago.

Milosevic's death ends the need to construct a juridical argument for the necessary finding of guilt. His guilt was decided long ago, and the mainstream media have declared him guilty once again in the death denunciations, which have consisted largely of name-calling and repetition of the farcical claims discussed above.

Milosevic thought that he was being poisoned, and the ICTY and media have suggested that he was poisoning himself, either in an attempted suicide or to worsen his condition to justify outside medical treatment. Neither of these is plausible, but what is true is that his treatment by the ICTY surely hastened his death and makes that institution guilty of some form of grave criminal negligence, perhaps even manslaughter.

Milosevic was refused permission to see his family over a four year period, he was treated harshly by the court in session,⁶³ and he was explicitly denied the right to get medical treatment in Moscow that he had been requesting since last December, which both Russian and independent consultants said was urgently

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required for his survival. As late as February 23, 2006, the trial judges ruled that they were “not satisfied” that Milosevic, “if released, would return for the continuation of the trial,”⁶⁴ despite a Russian assurance that he would be returned and Milosevic’s obvious determination to see his defense to its conclusion. This is the same court that recently permitted the Kosovo Albanian “indicted war criminal” Ramush Haradinaj to leave prison and return to Kosovo to engage in a political campaign. The ICTY has maintained a reliable double standard reflecting its political role; and in the case of its treatment of Milosevic, this has proved deadly.

CONCLUSION

The seizure and trial of Milosevic was the high-point in ICTY service to NATO, designed to demonstrate with a show-trial that the longstanding NATO target in Yugoslavia was evil and the NATO war was therefore a justifiable “humanitarian intervention.” It worked less well than anticipated, because the patched-together charges were very hard to support and Milosevic put up a vigorous defense. Fortunately for the prosecution, the media featured the charges and parade of victims of war and Milosevic’s alleged recalcitrance and “defiance,” while ignoring the substance of his quite effective defense, and paid no attention whatsoever to the disastrous effects of the “humanitarian intervention” on its supposed beneficiaries. There has not been a word of context pointing out the contrast between Clinton’s alleged Kosovo objective of a “tolerant, multi-ethnic community” and the resulting reality of widespread fear, intolerance, serious and irreversible ethnic cleansing, and a mafia- and terrorist-run state.⁶⁵

A lesson learned by NATO officials and supporters is that even unfair show trials supported by the media can be problematic as some awkward evidence inevitably trickles out and effective trial closure can be difficult. An early death of a defendant like Milosevic makes the best of a difficult reality. Better yet, and possibly to be more widely implemented in the future, would be killing the targeted demon long before a trial becomes necessary, leaving it to the reliable media to find the assassinated victim guilty *in absentia*. NATO did try this in dealing with Milosevic but failed (with a missile attack targeting his residence in Belgrade on April 22, 1999). This was a costly failure, ending up with the problematic trial. Given the proclivities of the U.S. foreign policy managers we may expect more aggressive targeting in the future, and, if driven to it, Guantanamo-style trials.

NOTES

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1. CNN Morning News, 11:00 AM EST, Transcript 031105CN.V28, March 11, 2006.
2. Based on searches of English-language media sources including the wire services (AFP, AP, DPA, Reuters, and many others), European, Canadian, U.S. print, TV and radio, and other regions for mentions of the phrases 'Butcher of the Balkans' or 'Butcher of Belgrade' during the period March 11 – 21, 2006.
3. Prosecutor v. Radislav Krstic (IT-98-33), Judge Almiro Rodrigues, Presiding, August 2, 2001, Sect. G, "Genocide," pars. 539 - 599. Specifically, par. 598, and note 1306. Also see Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Pluto Press, 2004), pp. 152-160.
4. Michael Dobbs, "U.S. Gains Assurances On Troops; Balkan Presidents Promise Security," *Washington Post*, November 24, 1995. Although buried beneath the events of subsequent years, the fact that Milosevic helped the American negotiators secure the Dayton Accords was widely reported at the time.
5. Among the charges to have been brought against Saddam Hussein by the Iraqi Special Tribunal, one pertains to the execution of some 140 inhabitants of the Shiite town Dujail in 1982; another, genocide, pertains to the deaths of up to 100,000 Iraqi Kurds in campaigns of the late 1980s. Throughout the period from which the events detailed by these charges stem, the Iraqi regime was a close ally of the Washington – and none of the actions for which the regime is now being held to account prevented this. Solomon Moore, "Genocide Added To Hussein Charges," *Los Angeles Times*, April 5, 2006; Edward Wong, "Hussein Charges with Genocide in 50,000 Deaths," *New York Times*, April 5, 2006; Jonathan Finer and Naseer Nouri, "Court Moves To Try Hussein in Massacre of Kurds," *Washington Post*, April 5, 2006.
6. See Prosecutor Against Slobodan Milosevic et al. (IT-99-37-I, "Kosovo"), Louise Arbour, Prosecutor, May 22, 1999. Under Schedule A – Schedule G, this initial indictment lists a total of 344 persons "known by name killed." Of these 344 persons, no less than 299 are claimed to have been killed on March 25, 1999 or later.
7. Prosecutor Against Slobodan Milosevic et al. (IT-01-50-I, "Croatia"), Carla del Ponte, Prosecutor, October 8, 2001; and Prosecutor Against Slobodan Milosevic et al. (IT-01-51-I, "Bosnia and Herzegovina"), Carla del Ponte, Prosecutor, November 22, 2001.
8. In our earlier study of reporting on the Tribunal by the *New York Times's* Marlise Simons, we described Simons' portrayal of the Tribunal as the epitome of Western justice, and showed how her reporting for the *Times*, over an extended period of years, replicated the point of view of the Tribunal's prosecutors, which is largely the point of view of the NATO bloc, and the point of view of its American leadership above all. See Edward S. Herman and David Peterson, *The New York Times on the Yugoslavia Tribunal: A Study in Total Propaganda Service*, ColdType, 2004. Also Michael Barratt Brown, Edward S. Herman, and David Peterson, *The Trial of Slobodan Milosevic* (Spokesman, 2004).
9. See James Rubin, "State Department Regular Briefing," *Federal News Service*, April 19, 1999; "US concerned up to 500,000 missing Kosovar Albanian men may be dead,"

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Agence France Presse, April 19, 1999; and Bob Holer and Anne E. Kornblut, "Up to 500,000 unaccounted for in Kosovo; Missing men feared dead, US reports," *Boston Globe*, April 20, 1999. As the State Department asserted in a weekly Fact Sheet released at the time: "[S]ome 150,000 to 500,000 military-age men remain missing in Kosovo." "Ethnic Cleansing in Kosovo," April 22, 1999.

10. "Statement to the Press by Carla del Ponte" (FH/P.I.S./550-e), Carla del Ponte, ICTY, December 20, 2000, par. 16; "Kosovo: ICRC deplures slow progress of working group on missing persons," *ICRC News*, March 9, 2006.

11. Michael Ignatieff, "Counting Bodies in Kosovo," *New York Times*, November 21, 1999.

12. While in Geneva for talks on the Vance-Owen peace plan, and later in Washington on a visit arranged by the Carnegie Endowment for International Peace, Bosnian Muslim President Alija Izetbegovic pressed the claim that 200,000 already had been killed. See John A. Callcott, "Bosnia-Herzegovina peace talks break for five days," *UPI*, January 4, 1993; Barry Schweid, "Bosnian Leader Appeals for U.S. Support," *AP*, January 8, 1993; "Profile: Happy to Butcher Bosnia," Unsigned, *The Independent*, January 9, 1993; David Binder, "Bosnian Shifts on Geneva Talks To Protest Killing," *New York Times*, January 10, 1993. The month of January, 1993 also witnessed the claim about Bosnian Muslim women suffering the "most massive raping in human history" (Izetbegovic while in Geneva) first placed into mass circulation. On "The Uses of Rape," see Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO, and Western Delusions* (Monthly Review Press, 2002), pp. 78-90.

13. "War-related Deaths in the 1992–1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results," Ewa Tabeau and Jakub Bijak, *European Journal of Population*, Volume 21, June, 2005, pp. 187-215; Mirsad Tokaca of the Sarajevo-based Research and Documentation Center, as quoted in "Bosnian war 'claimed 100,000 lives'," *Deutsche Presse-Agentur*, November 21, 2005; in Nedim Dervisbegovic, "Research halves Bosnia war death toll to 100,000," *Reuters*, November 23, 2005; in Vesna Peric Zimonjic, "Balkans: How Many Really Died in Bosnia's Wars?" *Inter-Press Service*, December 6, 2005; in "Sarajevo researcher says 99,000 killed in Bosnian war," *BBC Worldwide Monitoring translation of a HINA news agency report* (Zagreb), December 17, 2005; and in "Genocide is not a matter of numbers: Emir Suljagić talks to Mirsad Tokaãa," *Bosnia Report*, December - March, 2006.

14. The "sanctions of mass destruction" imposed on Iraq by the United States and Britain through the UN following the first Persian Gulf War were responsible for the death of a million Iraqis or more, and the wars in the Democratic Republic of the Congo since the last 1990s have caused deaths estimated to run into the millions. For data on Iraq, see, e.g., John Mueller and Karl Mueller, "Sanctions of Mass Destruction," *Foreign Affairs*, May/June, 1999; and Joy Gordon, "Cool War: Economic sanctions as a weapon of mass destruction," *Harper's*, November, 2002. And for data on the Democratic Republic of the Congo, B. Coghlan et al., "Mortality in the Democratic Republic of Congo: a nationwide survey," *The Lancet* (367), January 7, 2006, pp. 44-51. According to the *New York Times*, UN Secretary-General Boutros Boutros-Ghali used

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the phrase “war of the rich” to express how “many Africans describe the conflict in Yugoslavia, arguing that the faces seen on television are well fed compared to the victims in Africa, the continent whose interests the Secretary General – an Egyptian – has said need more representation.” Seth Faison, “U.N. Chief Mired in Dispute With Security Council,” July 24, 1992.

15. See, e.g., Edward S. Herman, “The Politics of the Srebrenica Massacre,” ZNet, July 7, 2005; George Pumphrey, “Srebrenica ‘Massacre’: Is The Hague Hyping A Hoax?” as posted to The Emperor’s New Clothes, May 8, 2000; David Peterson, “Srebrenica and the Neocolonial Community,” ZNet, October 17, 2004; Nebojsa Malic, “Silver City: Srebrenica 10 years Later,” AntiWar.com, July 7, 2005; David Peterson, “The Srebrenica Massacre,” ZNet, July 10, 2005; Nebojsa Malic, “Smokescreen – Using Srebrenica,” AntiWar.com, July 14, 2005; and Johnstone, *Fools’ Crusade*, pp. 109-118.

16. Emma Brockes, “The Greatest Intellectual?” *The Guardian*, October 31, 2005. Subsequently pulled from *The Guardian*’s website. A copy still can be found on the Chomsky.Info website under its original title, “The Greatest Intellectual?”

17. Ian Mayes, “Corrections and clarifications: The Guardian and Noam Chomsky,” *The Guardian*, November 17, 2005.

18. “Srebrenica -- defending the truth,” Marko Attila Hoare et al., *Bosnia Report*, December - March, 2006.

19. Mandel, *How America Gets Away With Murder*, pp. 155-156.

20. In late December 2005, the U.S. Government acknowledged, we believe for the very first time, that the “official death toll” from the war in Bosnia and Herzegovina was “below 100,000.” See “Review of European Security Issues -- A Look Ahead For 2006,” U.S. Department of State, December 30, 2005. But this same report also noted that, “As recently as November [2005], U.S. officials marking the 10th anniversary of the end of the war said the death toll ranged between 200,000 and 300,000 – a range that has been widely cited by government officials and media accounts for a decade.”

21. Our media universe consisted of large numbers of English-language sources deriving from the wire services (including AFP, AP, DPA, Reuters, and many others), European, Canadian, U.S. print, TV and radio, and other regions (e.g., Australia, though by no means only).

22. In reporting war-related deaths in the former Yugoslavia, the historical practice through 2005 had been to attach a figure of 200,000 or greater (e.g., Holbrooke’s 300,000) to Bosnia and Herzegovina specifically. Thus, editorializing on the 10th anniversary of the accords that “put an end to a brutal civil war in Bosnia,” the *New York Times* stated that the “war among Bosnian Muslims, Catholic Croats and Orthodox Serbs left 200,000 dead...” (“Bosnia, 10 Years Later,” November 25, 2005). With Milosevic’s death, however, the media began to use these old figures imprecisely, and to attach them sometimes to B-H alone, sometimes to all the wars. Our media universe captures this ambiguity in reporting.

23. On this lack of scruple, see Herman, “The Politics of the Srebrenica Massacre,”

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ZNet, July 7, 2005, esp. Sect. 2, "The Serial Lying Before and After Srebrenica."

24. As David Scheffer, Clinton's so-called Ambassador at Large for War Crimes, pointed out in the American Journal of International Law, without the safety-valve of the U.S. veto on the Security Council, "There will be significant new legal and political risks in such [highly controversial] interventions, which up to this point have been mostly shielded from politically motivated charges." In short, any outcome that Washington controls is free of "politically motivated charges." When ultimate control slips from Washington's grasp, and other states begin to exercise significant influence, political factors intervene! Scheffer is quoted in Mandel, *How America Gets Away With Murder*, p. 213.

25. Mandel, *How America Gets Away With Murder*, pp. 130-133

26. The United States refused to share satellite images of Croatian actions against Krajina Serb civilians with the ICTY, thus hampering its attempt to build a case against this U.S. ally. See Raymond Bonner, "War Crimes Panel Finds Croat Troops 'Cleansed' the Serbs," *New York Times*, March 21, 1999.

27. Michael Scharf, "Indicted For War Crimes, Then What?" *Washington Post*, October 3, 1999.

28. Mandel, *How America Gets Away With Murder*, p. 125

29. *Ibid.*, p. 126

30. "The new administration had already made up their mind and were intent on killing off the [Vance-Owen Peace Plan]," David Owen writes of the period in late January and early February, 1993, recounting his first meeting with Secretary of State Warren Christopher, and a series of attacks on the plan in the American media. "They promised to come up with an alternative policy over the next few weeks, but in the meantime seemed intent on killing off a detailed plan backed by all their allies and close to being agreed by the parties. It was by any standard of international diplomacy outrageous conduct." *Balkan Odyssey* (New York: Harcourt Brace and Company, 1995), Ch. 3, "The Vance-Owen Peace Plan," pp. 112-120.

31. Mandel, *How America Gets Away With Murder*, "The ICTY at War," pp. 132-146, esp. pp. 132-134.

32. "Statement by Justice Louise Arbour" (CC/PIU/378-E), ICTY, January 16, 1999.

33. As Arbour explained at the time: "In light of recent reports of his alleged involvement in Kosovo, I have decided to make public the existence of an indictment against Zeljko Raznjatovic, also known as Arkan.... [Publicizing his indictment now] will...serve to put on notice those who might be inclined to retain his services, or to obey his orders, that they too will be tainted by their association with an indicted war criminal." "Statement by the Prosecutor" (CC/PIU/391-E), ICTY, March 31, 1999.

34. Prosecutor Against Slobodan Milosevic et al. (IT-99-37-I, "Kosovo"), Louise Arbour, Prosecutor, May 22, 1999.

35. Mandel, *How America Gets Away With Murder*, p. 144.

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36. CNN Live Event/Special, 1:24PM, Transcript # 99052703V54, May 27, 1999.
37. Arbour was responding to British television reporter Lindsay Hill, who had asked Arbour how she can “ensure that the Tribunal remains independent and impartial and doesn’t become part of NATO’s war strategy or doesn’t become perceived as being part of NATO’s war strategy?” See British Ministry of Defense Briefing, April 20, 1999. Along with Arbour, British Foreign Secretary Robin Cook and General Sir Charles Guthrie also participated in this news conference.
38. “Statement by Justice Louise Arbour, Prosecutor” (JL/PIU/404-E), ICTY, May 27, 1999
39. On July 24, 1995, Karadzic and Mladic became the fifth and sixth veterans of the wars to be indicted overall. See Prosecutor Against Radovan Karadzic and Ratko Mladic (IT-95-5-I, “Bosnia and Herzegovina”), Richard J. Goldstone, Prosecutor, July 24, 1995. This initial indictment covered events in Bosnia and Herzegovina exclusive of those associated with the July, 1995 evacuation of the “Safe Area” Srebrenica and its aftermath – a subsequent indictment not released until the month of November. See Prosecutor Against Radovan Karadzic and Ratko Mladic (IT-95-18 “Srebrenica”), Richard J. Goldstone, Prosecutor, November 14, 1995.
40. The L’Unita interview was reported in “Karadzic a Pariah, Says War Crimes Tribunal Chief,” ANP English News Bulletin, July 27, 1995.
41. Scharf, “Indicted For War Crimes, Then What?” Washington Post, October 3, 1999
42. See Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, Office of the Prosecutor, ICTY, June, 2000, par. 90. (And the accompanying Press Statement (PR/P.I.S./510-e), ICTY, June 13, 2000.)
43. Quoted in Mandel, How America Gets Away With Murder, pp. 189-190
44. Kirsten Sellars reports that in October, 1998, Michael Scharf estimated that “over 90 percent” of the evidence then used by the prosecution derived from hearsay sources. See *The Rise and Rise of Human Rights* (Sutton Publishing, 2002), p. 187.
45. In all, the Tribunal issued indictments of Milosevic on eight different occasions: Three for Kosovo (May 22, 1999; June 29, 2001; and October 29, 2001); three for Croatia (October 8, 2001; October 23, 2002; and July 28, 2004); and two for Bosnia and Herzegovina (November 22, 2001; November 22, 2002).
46. For a comprehensive, online listing of ICTY sources, see *The Trial of Slobodan Milosevic: Kosovo, Croatia, and Bosnia-Herzegovina* (IT-02-54); and Transcripts.
47. Inter alia, see the early paragraphs in each of the Second Amended Indictment of Milosevic et al. for Kosovo, October 29, 2001; the Initial Indictment of Milosevic et al. for Croatia, October 8, 2001; and the Initial Indictment of Milosevic et al. for Bosnia and Herzegovina, November 22, 2001.
48. Misha Glenny, “Just what the Balkans didn’t need,” *New Statesman*, March 20, 2006
49. Richard Holbrooke, “Rough justice for Milosevic is as fitting as a tribunal verdict,”

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Financial Times, March 14, 2006.

50. Johnstone, *Fools's Crusade*, pp. 23-35; pp. 152-56. See further the January 25, 2006 Milosevic trial testimony of Col. Milan Kotur on the planning for exit and warfare by the Croat government of President Franjo Tudjman well before the war broke out, including a 1990 video in which Croat leaders discuss how they will remove the Serb population.

51. *Ibid*, pp. 55-68

52. The media never quote from these Milosevic speeches, understandably. In his June 28, 1989 speech, Milosevic stated that "Yugoslavia is a multinational community and it can survive only under the conditions of full equality for all nations that live in it," and nothing elsewhere in this speech is in conflict with this sentiment (see "Slobodan Milosevic's 1989 Speech at Kosovo Polje," BBC Summary of World Broadcasts, June 30, 1989, as posted to the Emperor's New Clothes website). Francisco Gil-White has shown how systematically the Western media have distorted the record in referring to this speech, and how the BBC itself eventually misread the language that it had reported back in 1989 to accord with the new party line ("How Politicians, the Media, and Scholars Lied about Milosevic's 1989 Kosovo Speech," Francisco Gil-White, Historical and Investigative Research, last updated September 8, 2005).

53. On the Slovene responsibility for this war, citing U.S. Ambassador Warren Zimmerman, see Johnstone, *Fools' Crusade*, pp. 137-8.

54. Mandel, *How America Gets Away With Murder*, pp. 132-138

55. George Kenney reports that in 1999, a U.S. Government official conceded to him that at Rambouillet, U.S. negotiators "deliberately set the bar higher than the Serbs could accept." In Kenney's paraphrase, the "Serbs needed...a little bombing to see reason." "Rolling Thunder: the Rerun," *The Nation*, June 14, 1999.

56. Tim Judah, "Is Milosevic Planning Another Balkan War?" *Scotland on Sunday*, March 19, 2000; Daniel Williams and R. Jeffrey Smith, "Crusader for Serb Honor Was Defiant Until the End," *Washington Post*, March 12, 2006.

57. In a startling concession to the Milosevic defense, and in contradiction of the serial indictments of Milosevic et al. for having participated in a "joint criminal enterprise" the alleged purpose of which was to create a "new Serb-dominated state," the "Greater Serbia" of lore, Prosecutor Geoffrey Nice asserted that "The concept that all Serbs should live in one state is different from the concept of the Greater Serbia..." (p. 43225). Shortly thereafter, Nice acknowledged that Milosevic was motivated not by any desire to create a "Greater Serbia" but by the "pragmatic" goal of "ensuring that all the Serbs who had lived in the former Yugoslavia should be allowed for either constitutional or other reasons to live in the same unit. That meant as we know historically from his perspective first of all that the former Yugoslavia shouldn't be broken up because he argued, well, then, if they all live in the same place one where they can do it in the former Yugoslavia" (p. 43227). *Prosecutor v. Slobodan Milosevic (IT-02-54-E)*, August 25, 2005, pp. 43225-43227. As best we can tell, this instance of the prosecution's abandon-

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ment of one of the central charges against Milosevic was never reported in the English-language print media.

58. For a superior discussion of the “joint criminal enterprise” concept drafted as an Expert Witness Report on behalf of the defense shortly before Milosevic’s death, see *The ‘Butcher of the Balkans’? The Crime of ‘Joint Criminal Enterprise’ and the Milošević Indictments at the International Criminal Tribunal at The Hague*, David Chandler, University of Westminster, U.K., 2006

59. *Prosecutor v. Radislav Krstic (IT-98-33)*, Judge Almiro Rodrigues, Presiding, August 2, 2001, Sect. G, “Genocide.”

60. In the Initial Indictment of Milosevic et al. for Bosnia and Herzegovina, November 22, 2001, a large number of population centers in Bosnia are listed, including Srebrenica, where the genocide criterion might apply, according to the standard used for the judgment in the Krstic Trial.

61. Elie Wiesel, “The Question of Genocide,” *Newsweek*, April 12, 1999.

62. Cees Wiebes, *Intelligence and the War in Bosnia 1992 – 1995* (London: Lit Verlag, 2003), p. 388.

63. John Laughland, who visited Milosevic in his prison cell in November 2005, writes that “when on Tuesday Milosevic pleaded that he was too sick to continue, presiding judge Patrick Robinson simply barked: ‘Are you deaf? I told you to call the next witness’.” “International Law is an ass,” *The Spectator*, November 19, 2005. Also, after attending the opening session of the Milosevic trial, Canadian defense attorney Edward L. Greenspan expressed shock at Judge Richard May’s attitude toward Milosevic. “May doesn’t even feign impartiality or, indeed, interest,” Greenspan wrote. “He clearly reviles Milosevic.” Greenspan was appalled by May’s habit of interrupting Milosevic’s cross-examination of witnesses--a practice that only worsened during Milosevic’s defense, after May died and was replaced by Judge Patrick Robinson. “It looks like May has forgotten that Milosevic is entitled to due process,” Greenspan wrote. “The first two minutes of the Milosevic trial told me all I needed to know. This is a lynching.” Edward L. Greenspan, “This is a lynching,” *National Post*, March 13, 2002.

64. *Decision on Assigned Counsel Request for Provisional Release (IT-02-54-T)*, Judge Patrick Robinson, Presiding, ICTY, February 23, 2006, par. 18.

65. For the role of Kosovo and of the Balkan region more generally within international criminal networks, see, e.g., Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe*, United Nations Development Program, March, 2005; *World Drug Report 2005*, UN Office On Drugs and Crime, June, 2005; and Tom Walker, “Rampage of the mafia may delay Kosovo independence,” *Sunday Times*, April 9, 2006.



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