

Stacy Sullivan on Milosevic and Genocide

By Edward S. Herman | May 28, 2004

Liberals and much of the left have been badly bamboozled on recent Yugoslav history and the role of the International Criminal Tribunal for the Former Yugoslavia, with former Serbian President Slobodan Milosevic having been hyper-demonized and the history of the Balkans rewritten to fit what Lenard Cohen calls the “paradise lost/loathsome leaders” paradigm. But numerous serious scholars have rejected this history and regard the U.S. and other NATO powers as heavily responsible for the disasters since 1990. Lord David Owen’s *Balkan Odyssey*, and his testimony before the Tribunal, make it very clear that Milosevic was eager for a settlement of the Bosnian wars well before the Dayton agreement in 1995, and that he regularly had major conflicts of interest with the Bosnian Serbs. It is clear from Owens, as well as from other experts that the U.S. government played a key role in the failure of the 1991 Vance plan, the 1992 Cutileiro plan, and the 1993-94 Vance-Owen and Owen Stoltenberg plans, as the Clinton administration armed the Bosnian Muslims, and later the KLA in Kosovo, while encouraging them both to hope (and work) for U.S.-NATO military intervention on their behalf.

Milosevic was not indicted along with Mladic and Karadzic in 1995 for the ethnic cleansing in Bosnia in prior years, so the belated attempt in The Hague in 2002 to make him responsible for those killings suggests that UN war crimes tribunal chief prosecutor, Carla Del Ponte did this because she saw that the killings in Kosovo fell far short of anything she could pass off as “genocide.” Even establishment spokespersons like retired U.S. Air Force General Charles Boyd and UN official Cedric Thornberry have stressed that the Bosnian killings in the years 1991-1995 were by no means confined to those by Bosnian Serbs: the Croats and Bosnian Muslims, the latter supplemented by thousands of imported mujahideen, slaughtered many thousands of their ethnic enemies in the area. But the Tribunal, organized, funded, and essentially controlled by the U.S. and Britain, was only interested in pursuing NATO targets, and these were almost exclusively Serbs.

There is now substantial literature that makes a strong case that the Tribunal is not only a crudely political arm of NATO, but that it is a “rogue court.” As a political arm, it regularly cleared the ground for NATO military actions and since that victory the Tribunal has worked hard to prove that the NATO war was just.

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ing its case and maintaining an image of fairness and justice. The latter problem was nicely illustrated in the Tribunal’s recent privileged treatment of the U.S. government and Wesley Clark. Thus, the U.S. government was given the right to demand a closed session of the court and to redact testimony; Clark was allowed to communicate with outsiders and obtain and insert into the record a truth testimonial from Bill Clinton, in straightforward violation of Judge May’s trial rules. Readers of the *New York Times* (or *In These Times* and *The Nation*) will also

never know that with William Walker on the stand, Judge May’s deference to the “Ambassador” was laughable: during direct examination by the prosecutors there was not one interruption, while during Milosevic’s cross-examination he interrupted 70 times, and wouldn’t allow him to ask Walker, the man who grieved so over deaths at Racak, about his earlier crude apologetics for the killing of the six Jesuit

leaders and others in El Salvador.

A recent example of the kind of analysis that repeats the canards common to the liberal “conventional wisdom” is FPIF’s commentary by Stacy Sullivan, of the Institute for War and Peace Reporting (IWPR), on “*Milosevic and Genocide: Has the Prosecution Made Its Case?*”

(<http://www.fpif.org/commentary/2004/0402milosevic.html>). IWPR is funded by the State Department, USAID, the National Endowment for Democracy, the Open

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Society Institute, and half a dozen other Western governments, and it has long served as a *de facto* propaganda arm of NATO. Sullivan is most noted for her *New Republic* classic of hardline pro-war and vengeance propaganda, “*Milosevic’s Willing Executioners*” (May 9, 1999). Sullivan’s FPIF article is in the same mode, taking it as a given that the Tribunal is an apolitical instrument of justice and that we have an honest and not a show trial.

An Annotated Response to Sullivan

Her first sentence says that the prosecutors announced right off that they would “prove” Milosevic guilty of genocide. She fails to mention that the Bosnia charges were added belatedly, that Milosevic had not been charged with them at the time of the actual killings, and that while Del Ponte said she would “prove” this guilt she admittedly didn’t yet have the evidence. Indict, publicly and flamboyantly charge, and then look for the evidence, has long been the Tribunal’s modus operandi.

Sullivan’s second sentence mentions that there were “300 witnesses,” “some high level insiders who have turned on their former master,” “thousands of pages of documents,” etc. We are supposed to be impressed with this sheer volume of smoke that must show a genocidal fire. She doesn’t mention that Canadian law professor Michael Mandel gave Del Ponte “thousands of pages” of documents in April 1999 showing NATO war crimes, which of course Del Ponte ignored, and that thousands of pages have been published and innumerable witnesses could have been supplied as witnesses for the many thousands of Serb victims in Bosnia. It is extremely easy to find victimized people in civil wars who will testify to maltreatment if given the opportunity and even paid for their trouble, and some and perhaps most will even be telling the painful truth. But only a propagandist will mention the 300 witnesses as if this alone is a serious consideration in proving “genocide.”

As regards the “high level insiders,” in fact the prosecution came up with few that were high level and fewer still who were cooperative. One of their prime witnesses, Ratomir Tanic, appears to have been a conman, who was

so “inside” that he couldn’t even describe the location of the president’s office. Genuine insiders like former Yugoslav president Zoran Lilic and member of the Yugoslav presidency Borislav Jovic confirmed Milosevic on almost all key points. Rade Markovic, the former head of Yugoslav security, who had everything to gain from denouncing his old boss, also defended Milosevic on all key points while renouncing a statement he claimed had been extracted from him by threats and torture during a 17 month stint in prison. Sullivan predictably doesn’t mention that many “insiders” and others were bribed and threatened with heavy sentences unless they acquiesced to plea-bargains.

Sullivan claims that many legal experts are doubtful about a successful genocide charge because the Tribunal “has set the bar for doing so extremely high.” They might have to prove that Milosevic “orchestrated the breakup of Yugoslavia with the specific intent to destroy Bosnian Muslims as a people... [with] unequivocal evidence of genocidal intent... calling for the liquidation of all of the Bosnian Muslims...” The idea that Milosevic wanted the breakup of Yugoslavia is ideology run wild and contradicts the usual formula that he attacked Slovenia and Croatia in an attempt to prevent their exit from Yugoslavia (for a summary of an alternative view of the Balkan wars, see

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Edward S. Herman, “*Diana Johnstone on the Balkan Wars*,” <http://www.monthlyreview.org/0203herman.htm>, as well as a recent piece by George Szamuely for FPIF, “*The Yugoslavian Fairytale*,” <http://www.fpif.org/commentary/2004/0405fairytale.html>).

As there was a lot of back-and-forth ethnic cleansing and killing in Bosnia, and the celebrated Srebrenica killings were comprised entirely of military-aged men, many killed in fighting, and after the Bosnian Serbs had admittedly separated out the women and children and moved them to safe refuge, intent and plan (as well as the still elusive Milosevic control of the Bosnian Serb forces) would seem rather essential to proving that Milosevic was guilty of genocide in any sense. Besides, Del Ponte said she was definitely going to “prove” genocide. What concept did she have in mind?

What constitutes genocide?

Sullivan doesn't have a clue on the level of Tribunal "bars" for charges of genocide. These have proved to be wonderfully flexible, and her claim of a too-high bar has no basis in any Tribunal actions but is rather a form of pressure to get the bar low enough to assure the show trial's proper result. In Bosnian Serb General Krstic's case, the Tribunal found Krstic guilty of genocide by making it virtually the same thing as ethnic cleansing, and extending the concept to killing only armed men in a single small town!

Assuming that this was a valid case of genocide, Sullivan alleges that an "acquittal would have serious consequences for attempts to prosecute genocide in the future." If it isn't a valid case of genocide it wouldn't interfere with future efforts at all. However, if it is a corrupt case brought by an alliance that actually carried out the "supreme crime" of aggression in violation of the UN Charter in attacking Yugoslavia, using the Tribunal first as a war-facilitating instrument and then as a means of justifying the aggression, losing the case would be a plus for the international rule of law. This is not likely to happen, given the fact that the Tribunal is an arm of the NATO powers, although the case made by the prosecution has been so weak that it is not inconceivable that Milosevic might only be found guilty of "crimes against humanity."

Great Powers and Genocide

What might really interfere with efforts to pursue genocide would be if the United States or another major power engaged in genocide or gave it support, as there are no mechanisms to prevent or punish acts such as these in the New World Order, and major powers are essentially exempt. Thus, the "sanctions of mass destruction" imposed by the U.S. and Britain on Iraq from 1991-2002 killed four or five times as many civilians as died from all causes in the Balkans wars of the 1990s, and as Thomas Nagy and Joy Gordon have shown, these deaths were

brought about deliberately; and Suharto's and his successors' operations in Indonesia and East Timor were big-time genocidal, but under Western, and notably U.S. and British, protection. The problem of this exemption does not occur to Sullivan.

Sullivan argues that "by far the most serious consequences of an acquittal on genocide charges... would be for Bosnia's victims," ignoring the Croat and Serbian victims, of which there were many thousands. (The largest single ethnic cleansing during the Balkan wars was of Serbs driven out of the Krajina in August 1995, by the Croats, with U.S. assistance; the largest proportionate ethnic cleansing in those wars was of Serbs and other minorities, including Roma, driven out of Kosovo by the KLA under NATO auspices after June 1999.) But even in her own narrow terms of reference, how concerned are Bosnian victims over this issue? How does Sullivan know about the victims' feelings? A poll taken in Bosnia several years ago indicated that no more than six percent of Bosnian Muslims, Serbs, or Croats considered the bringing of war criminals to

justice as important (Charles Boyd, "Making Bosnia Work," *Foreign Affairs*, January 1998).

Furthermore, why would Bosnian victims need a successful "genocide" charge and not be satisfied with guilt for "crimes against humanity?" However, if the function of the trial is to prove the NATO war just, we must have "genocide." Best, however, to pretend that it is concern over the victims rather than NATO-establishment priorities that make the charge of genocide so important.

Ed Herman is an economist and media analyst. He has a regular "Fog Watch" column in Z magazine. With Philip Hammond, he co-edited Degraded Capability: the Media and the Kosovo Crisis (Pluto: 2000).

ADDITIONAL REFERENCES

Thomas Nagy, "The Secret Behind the Sanctions: How the U.S. Intentionally Destroyed Iraq's Water Supply," *The Progressive*, (September 2001)
<http://www.progressive.org/0901/nagy0901.html>

Joy Gordon, "Economic Sanctions as Weapons of Mass Destruction," *Harpers*, (November 2002)
<http://www.harpers.org/CoolWar.html>

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