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The Yugoslavia Crisis and President Milosevic's case

International Law Turned Upside Down

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Global Research, June 24, 2005
International Committee for the Defense of President Milosevic 24 June 2005

Theme: Law and Justice
In-depth Report: THE BALKANS

1. The most indecent "international" (in a wide sense) trials of the last years are those held before an exceptional organ, the ICTY, established by a decision of the U.N. Security Council.

Although the international legal system has its own characteristics, since it is an interstate system of rules, it is necessary to understand that the fundamental principles of a rule of law system, the legality principles, must be strictly respected, at least when international norms, of course in an indirect way, concern individuals: I'm speaking of international norms either created by agreements or, if possible and legitimate, what is not always sure, by international decisions of a derivative organ, such as U.N. Security Council. These principles may be held to pertain to the general principles recognized by civilized nations (art. 38 Statute of International Court) and to the system of human rights, and are certainly part of the legal system of the U.N., binding on all its organs. These principles imply that whenever interstate rules are aimed at regulating individual situations, even the interstate rules proper, in the context of which the former rules are created or have to operate, should be in a strict sense valid and legitimate.

The context in which ICTY is operating is characterized by an absolute and total turning upside down of international law.

Among the Purposes of U.N. Charter, art. 1.1. affirms that "to maintain international peace and security, [U.N. have] to take effective collective measures for the prevention and removal of threats to the peace, and to the suppression of acts of aggression or other breaches of the peace, and to bring about, by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

In a general way it is usually stated that this principle according to the letter doesn't concern measures ex Chapter VII (the establishing of ICTY is erroneously supposed to be one possible measure of this kind): but the real meaning of this limitation is that measures ex Chapter VII, as they are shaped in the Charter (and not in the way they are illegally extended in the U.N. practice in an unacceptable way) may not in themselves have such a scope as to be contrary to justice and international law: they must be purely executive, "police" measures, to stop and remove the dangerous situations of article 39 that are actually to be faced. Some writer says also that the reference to justice (a substantial concept, depending on subjective interpretation) lessens the rigidity of the reference to international law. In reality, the reference to justice is only meant in the sense that the U.N.

action can also aim at a modification of international law (the problem of treaty revision), but clearly in the way of Chapter VI (recommendations followed by States agreements). The reference to international law (and to justice in the sense now explained) in the activity of U.N. and particularly of Security Council (directly for action ex Chapter VI; indirectly, as an implicit limitation, in relation to Chapter VII: see art. 24.2) is a bearing pillar of the U.N. system.

But, particularly since 1989-91, this pillar has been, and is continually being, illegitimately disrupted. International law, not to mention justice, has been, and is being, overthrown, turned upside down in fundamental issues. From the strength of the law to the law of the strength. That Security Council and subsidiary organs act *against* international law and even justice (in a substantial sense) should be unthinkable, but this thought is unfortunately reality.

2. In the Yugoslav crisis, first of all the correct definition and approach with regard to the interrelated issues of sovereignty and self-determination of peoples have been at stake.

Contrary to widespread theories, in the U.N. system and in general international law self-determination of peoples as a rule cannot be regarded to be a principle clashing with State sovereignty and territorial integrity. The sovereign State, subject of international law, is free to defend itself against secessions, and interventions in its inner affairs by other States are forbidden. The only acceptable and in international law positively accepted exception is the (so-called outer) self-determination as won and developed in the course of the struggles and wars of national liberation by colonial peoples or peoples in a similar situation: under illegitimate foreign occupation or, even in the national territory proper of a State, in a situation of discrimination (apartheid). In other words, only when a population or part of a population, territorially compact, united, in a region or constituting the majority of the population of a State, is under “national oppression” or discrimination, so that its sovereign State appears, on the basis of objective, structural grounds and factors, not to be really representative of that sector of population (representative not in a Western sense), not to be the State of that population. This is the prerequisite of the “right” of self-determination. A written norm, which defines the possible cases of self-detrmination in this sense, is article 1.4 of 1977 I Protocol to the 1949 Geneva Conventions: “The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination”.

I think this has nothing to do with the so-called inner self-determination, that is the problem of the nature of a State regime or government, the relation government-people and so on, which in my opinion is an inner affair. In the case of “national discrimination or oppression” instead, since the sixties, a so-called right of (outer) self-determination is born in international law, so that a people (under national discrimination), which strives to get a change in its situation, even up to secession, may be supported in various forms of action, even military help, in its struggle or war, by third States, without infringement of the prohibition of intervention. Doubtful is whether the central State is or is not legally free, with regard to international law, to react with military means against the liberation war, at least when this struggle has reached a given development degree or international recognitions (naturally, not abusive recognitions, premature or in any case outside the mentioned prerequisite of self-determination). The legitimate repression of an illegitimate secession is in no case a prerequisite for authentic self-determination.

But all this is true only in the cases of struggles against a constituted State. In situations where a State entity doesn't exist or is extinguished or sovereign power over a territory and its population is dismissed or waived, the "right" of self-determination isn't confronted with a constituted sovereignty, the "right" of self-determination of that population, territorially compact and united, is full and unlimited and cannot legitimately be contrasted by foreign or outer intervention. The different territorial parts of a region without constituted sovereign power are equal in their juridical position and have the same "right" to create, to constitute, their own State (or to determine in another way their status). When a sovereign power is not yet existent, but is involved in a constituting process, every part of the territory and population has the same right to constitute its own State. The principle of *uti possidetis juris* is not a general rule of international law: historically, it is limited to Latin America and to Africa in the process of decolonisation. I mention a meaningful historical precedent: West Virginia in the American (U.S.) Civil War. One thing is to deny the existence of a self-determination "right" of a (not nationally discriminated) population in a constituted State, quite another thing is to impose on a population or part of it the forced participation in a State, whose constituting process is still going on. In such a case, self-determination is State auto-constitution (or another outcome not hetero-directed). A channelled, embedded self-determination is a contradiction in itself.

In the Yugoslav crisis the secession of some Republics has to be considered a matter of insurgency of local groups against the sovereign State. I examine here this problem from a pure juridical viewpoint. There was certainly not the prerequisite for self-determination, that is a discrimination against the population of the secessionist Republics. In such a situation, every interference from outside was strictly forbidden. No doubt the Yugoslav Federation legally still existed, when recognitions of Slovenia, Croatia, Bosnia-Herzegovina were declared by Western Powers.

The fundamental characteristic of the Yugoslav Federation was given by the fact that it was a union of constituent peoples (the ones which gave the names to the different Federate Republics) plus other nationalities and minorities: but there was not always coincidence between the one people which gave the name and the Republic. In other words, Croatia and Serbia were constituted each of them by two constituent peoples (respectively, Croats and Serbs and Serbs and Croats), while Bosnia-Herzegovina had three constituent peoples (Muslims, Serbs, Croats). This system had been established by Yugoslav Federal Constitutions, up to the 1974 Constitution. This Charter in its preamble recognized a right of secession not to the Federate Republics, but to the constituent peoples, without in any case regulating it. Possibly to be exercised in a transversal way in relation to the single Federate Republics: in the sense that a single constituent people could be split up in different Republics, so that its self-determination process, after the end of the central State, might concern more than one Republic and realize a division or a separation from the single Federate Republics. As for the Federate Republics themselves, there was a very complicated constitutional procedure to modify their respective (inner) borders, an operation which would have needed the consent of all the Republics. It is doubtless that secession by single Republics has been totally illegitimate according to the Federal Constitution, as has been stated by the Yugoslav Federal Constitutional Court. The intervention of Yugoslav Federal Army after the declaration of independence by Slovenia (25 June 1991) was therefore absolutely legitimate.

The interference by the European Community, that at the Brioni Conference obtained the withdrawal of the Federal Army from Slovenia, accompanied by pressures of every kind, had

no doubt serious aspects of international illegality.

In Croatia, in front of the gradual steps for secession, culminating in a declaration of independence (also 25 June 1991), the Serbs predominating in the Krajina and other parts proclaimed their Republics and were attacked by Croatian Police Forces. Also there the Federal Army acted legitimately (July 1991).

The secessionist Republics provoked the paralysis of the Federal institutions: then the Serbia-Montenegro bloc, faced with the danger of disintegration, assumed the powers of these institutions (3 October), with the protest of Western States: on 8 October Slovenia and Croatia declared definitively their secessions.

Although for some time defending the maintenance, the survival of the Yugoslav Federal Republic, the European States began very soon (already on 2 August 1991) to give vent to their real but illegitimate political line: in the absence of agreement between the Federate Republics, the international, but also the inner boundaries in Yugoslavia were to be respected. This line was confirmed in other international meetings and even by Security Council Res. 713 (1991) of 25 September, which *inter alia* defined the Yugoslav situation as a threat to international peace.

Particularly under pressure by Germany, Austria, Holy See, on January 15, 1992, Slovenia and Croatia were recognized as independent State, than Bosnia-Herzegovina and Macedonia followed and there was the admission to the U.N. (22 May). This process had been stimulated by the Ministers of Foreign Affairs of the States of the European Community, who (16 December 1991) had published the guide-lines “for the recognition of new State in Eastern Europe and Soviet Union”: an incredible initiative, inviting such “States” to apply for recognition. Western Powers (Badinter Commission) stated that the Yugoslav Socialist Federation had come to an end, whilst there were factors and elements (a Federal Presidency although truncated; the Federal Army) of that Federation still active in the defence of its integrity. The position of Yugoslav authorities and Milosevic (President of Serbia since Dec. 1989) was in a first time that Yugoslavia could not be crossed out by a stroke of the pen and later that the Federation had to survive for all peoples and regions that wanted to stay in it (what has been, probably in bad faith, misunderstood as an idea of Great Serbia).

In this context the Western States reaffirmed the principle of the respect of the inner boundaries, especially in relation to Krajina and to Serbian-Bosnia, where the Serbs had proclaimed their own States: they had not participated in the independence referendum in Bosnia.

In point of fact, a dissolution process of the Yugoslav Socialist Federal Republic was doubtlessly in progress, but it was not consolidated, stabilised, which is the condition for effectiveness. A first moment of the cessation of an active opposition with regard to the new developing situation by a legitimate authority has probably been the “residual” Yugoslavia new Constitution of 26 April 1992 and then the withdrawal of the Federal Army from Bosnia and Croatia. This means that, in any case before such moments, all the action by the Western States has been illicit: it was an interference in the inner affairs of a State, to help inner insurgents in their separatistic aims. Crime against the peace, not by chance excluded from ICTY Statute. On the other side the consolidated, stabilized condition of the new “States” was also not yet established: their forming, constituting process was not definitive,

they had no free and full control over the whole territories which they claimed (except Slovenia and perhaps Macedonia). The premature recognitions (and the consequent activities of support and the condemnations, sanctions, limitations to the constitutional action of the Federal Army) were elements of international unlawful conducts by Western States. I will mention later the II Protocol to the Geneva Conventions.

Intervention in an inner conflict, premature recognition of (not yet completely formed) State entities: a young Italian scholar (Tancredi, *Secessione*, p. 464) expresses very clearly the turning upside down of the fundamental criterion of effectiveness: a non existent (on the international level) right of secession was created by the political will of a group of foreign States through the recognitions, which have given to the entire question the character of an international affair of self-determination without the relevant necessary conditions. "Recognition in Yugoslavia has played a new role, no more passive acceptance of a *fait accompli*, but an instrument to steer the course of events". With all the illegal consequences: the "prohibition" for the central authorities to contrast the secessions, the prohibition for third States to give assistance to the central legitimate State, the legal possibility for the secessionists to receive help, even military, from outside.

Well then, not the fact of independence affirming itself definitively up to the corresponding juridical situation, but an artificially created juridical situation which helps decisively to constitute the fact of independence – not yet completely established in point of fact. So that Yugoslavia has been passed off as the aggressor (in a first time in the conflict to maintain the State integrity, in a second time in relation to the in principle legitimate help and assistance to the denied self-determination of the Serbian Republics in Croatia and Bosnia). Clearly, if in a conflict occur episodes of cruelty and even with a criminal character by every side, it is natural, almost automatic, to ascribe them preferably to the "aggressor", to the side slandered as such and to amplify them for the benefit of mass-media and their manipulators.

After the absolute overturning of the relation between sovereignty and self-determination in the respective situation of Federal Yugoslavia and secessionist Republics, we have the denial of self-determination within the secessionist Republics themselves, in so far these were not yet formed, constituted States. As already said, when a State entity is involved in a process of formation, all parts of its population (of course, territorially compact, united) have the same right to constitute their own State, or to refuse a secessionist process and remain in the old State or, still, to accede to another State. In this point too there has been an overturning of international law: the imposition of the *uti possidetis* principle, elevating inner boundaries in the Federal Republic to international boundaries, has been completely outside the law, contrary even to the Yugoslav Constitution (which spoke, I repeat, of secession in relation to the constituent peoples, while the procedures to modify the boundaries of the Republics were founded, in the same way as these boundaries in themselves, and the conditions of the living together of different peoples in the single Republics, on the Federal Constitution and their validity consequently ceased with the end of this Constitution). By this trick the repression of the (denied) self-determination of Serbs in Croatia and Bosnia was considered an inner affair of the secessionist Republics (not yet definitively constituted), the aid to such self-determination (by Yugoslavia) illicit and consequently the even armed intervention of third States or organizations legitimate against such (supposedly illicit) Yugoslav assistance.

Absolutely erroneous, better to say shameful, even from the viewpoint of international law, must be considered the forced (from outside) formation of the so-called Federation of

Bosnia-Herzegovina, an artificial entity, not even really independent. But the moderating action of President Milosevic in the Dayton process cannot be forgotten.

3. Another point of overturned international law: the denial of continuity of the Yugoslav Federation of 1992 in respect to the Socialist Federation and the assumption that it was a new State, loosing its membership and therefore the character of original U.N. Member, needing therefore a new application for a new membership. It is here enough to say that, on the contrary, it was a case of progressive restriction, not of radical modification and substitution, of the pre-existing political-social substratum: there was not dismemberment, but a series of secessions of some Republics (these became new States, of course after consolidation): secessions which have been up to a certain time actively (and legitimately) opposed by the central State, Yugoslavia, although gradually diminishing its factual (not consolidated, as distinct from effective) control over parts of the territory, until factually suspending or waiving its sovereignty pretension or, perhaps better, its exercise over such territorial fragments, but not, at least at once, for the benefit of the seceding Republics. And there had not properly been social-economic counterrevolution, as in other Republics. But what is most shocking is the different standard reserved to Russia, considered as the continuing entity of Soviet Union even for the permanent seat in Security Council. Perhaps there would have been more theoretical support for the thesis of the dismemberment of Soviet Union, where no active opposition against the separation of the Republics took place in 1991 and, on the contrary, Russia was active in the extinction process of Soviet Union.

An important fact should not be forgotten about "residual" Yugoslavia: that the Serbian and Yugoslav Constitutions (1990 and 1992), thanks to the active political commitment of President Milosevic, have been formulated in a not nationalistic way, giving equal citizenship rights to every inhabitant, unlike for example the Croatian Constitution, which provides that Croatia is the State of Croats, while other groups are minorities (Serbs included, which had been under Yugoslav Constitution a constituent people in Croatia).

4. Still a new item of overturning: the aggression of 1999, the so called Kosovo war. I do not consider the problems of fact, the issue of the restriction of the regional autonomy in 1989-90 (which was juridically established by Federal decisions, not by Milosevic!), the alleged genocide or other crimes. It is sufficient to quote the interview to General Heinz Loquai of the German Representation to the OSCE. "With the genocide allegation, a genocide not only planned but perpetrated by Yugoslav Government, members of Bundestag and of the German Government have given vent to an enormous exaggeration. What Iraq's mass destruction weapons have been for Bush, the so called humanitarian catastrophe in Kosovo has been for Germany in order to justify the war". And he mentions also that, the day before the aggression, experts from the German Defence Ministry had affirmed that "no ethnical cleansing is up to now to be stated". And still: in Kosovo "there was a civil war. NATO has unilaterally intervened against one of the sides, namely Yugoslavia: the war has caused the true humanitarian catastrophe: 70.000 refugees from Kosovo in the neighbour countries at the beginning of the war, 800.000 at the end".

In this severe description of facts we find over again the turning upside down of international law. Humanitarian intervention – as allowed by international law – is an invention of the new times of imperial dominance. Intervention in a civil war, or inner conflict, which is a typical internal affair of a State, is in principle absolutely forbidden (and there was not even a decision by Security Council, which in any case would have been highly questionable). There is a really pertinent written international rule, that confirms all this: art. 3 of 1977 II Protocol to the 1949 Geneva Conventions, relative to the Protection of

Victims of Non-International Armed Conflicts: “Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State. – 2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs”. This Protocol is in force since 7 December 1978 and has been ratified by Yugoslavia and, *inter alia*, United States, Germany, Italy, Great Britain. And we can state a meaningful analogy with the Chechnya issue.

It has been an aggression, for the benefits of criminal groups of terrorists: now Kosovo is illegally separated in fact from Yugoslavia (Serbia), ethnical cleansing against Serbs and other minorities is going on: no one will pay before “international courts” for the crime of aggression (by NATO States and their leaders) and other Western war crimes and for the crimes of the presently ruling groups in Kosovo.

5. Legality, *imperium* of the rule of law is before all the predictability of crimes definitions and sanctions, of juridical procedures, of the ways and means of creating new rules and organs. This is particularly true in the case of international norms and decisions concerning individual – not pure interstate – activities. Human rights items, as emerging at least in the U.N. system, cannot be overlooked. With regard to so-called *delicta juris gentium*, that is individual conducts, definition and sanction of which are provided for in international acts, the legality of these acts on the international plane (and, I add, the correctness of their implementation by State legal orders, through which only the concerned individuals can be juridically hit, reached) must be assured. I underline a point which is generally overlooked: in the U.N. system the acceptation of international obligations by the States is expressly bound for certain hypothesis to the constitutional correctness of the State ratifications (art. 108, 109, 110, 43.3). And this corresponds to a fundamental principle, as enunciated for example by the great Austrian international law scholar, Alfred Verdross: the U.N. have no sovereign rights over individuals as such. And in this context State sovereignty must be respected, so that a direct U.N. action on individuals – without passing through State legal systems – is to be excluded.

This is the essential, structural reason why an initiative such as ICTY is to be repelled as totally illegal. But we are in a historical phase where the law of strength is prevailing over the strength of the law.

Which is, according to the *vulgata*, the legal basis for the creation by Security Council of such an extraordinary, better to say up to now unprecedented organ as ICTY (and the Rwanda Tribunal)? First of all, its allegedly boundless discretionary power in defining threat or breach of peace (one speaks no more of *international* peace, as we read instead in the norms) in the sense of article 39 Charter. An erroneous assumption according to a correct systematic construction and to *travaux préparatoires*, unfortunately corroborated by an misleading practice and acquiescence by States, which in no case makes law. Secondly, on the basis of that determination in a specific case, the allegedly unlimited possibility for Security Council to adopt every kind of measures it deems necessary and useful. This too is borne out, in recent years, by illegal practice, but is likewise false. Articles 41 and 42 Charter outline two respective types of measures (without or with use of force), doubtlessly in an exemplifying, not absolute way, but in such a way that circumscribes the typologies, connected with the function of self-help (*autotutelle*), which is forbidden (in the armed form) on the individual plane of the States, and must be replaced by action of States collectively

decided (art. 41) or collectively decided and implemented (art. 42). The activities of the kind the single offended State could have put into being according to former general international law, usually included in State activities as countermeasures, reprisals, self-help and so on, are to be replaced by collective initiatives always of the same kind. For the function of collective self-help is to avoid the individual (doubtlessly, if armed) self-help of States and to stop and back, remove situations of (real or imminent) threat or breach of peace, not to impose solutions, terms of solution or so on (which is the task of Chapter VI, but only with recommendations). In this sense, a purely executive, "police" function. Therefore no modification of the existing legal order, no creation of rules or organs, no international law-making function vested in U.N. and particularly in Security Council on the basis of Chapter VII (and no judicial function, interstate or least of all on individuals).

The institution of a so-called international tribunal to judge crimes by individuals is in my opinion always a highly doubtful issue. But the minimum prerequisite is that such an organ must be instituted by an interstate agreement and, I add, that such an agreement, particularly in the frame of U.N., must respect constitutional conditions of the States parties and the fundamental principles of human rights. The 1948 Convention on Genocide, to be obviously accepted by States, provides for a criminal court, which has never been constituted, whose jurisdiction should have been specifically agreed to by States parties. Other successive international criminal courts have been always established by international agreements.

The creation of ICTY (and Rwanda Tribunal) by a Security Council decision is totally inadmissible from a pure juridical viewpoint. The opposite view, which is generally accepted and corresponds of course to the opinion of ICTY self, is based on the sequence I have described before (discretionary power ex art. 39 – discretionary choice of measures ex art. 41 and 42). The acceptance of this opinion is tantamount to accepting an (at least potential) world dictatorship by Security Council over the whole planet, peoples, individuals, and (then no more) sovereign States. We know that we are really on the road to such a dictatorship: resolutions by Security Council on Iraq testify thereto; the same has been the case with res. 827 establishing ICTY. These are sheer acts of justice of the strong ones, of the victors, expression of the law of strength opposite to the strength of the law. Formally a real *Führerprinzip* on the planetary level.

How could such an institution be subsumed into the legal provisions of U.N. Charter? Into the categories of measures ex articles 41 and 42 correctly construed? Res. 827 is neither a collective decision on activities and behaviours (without force) by States (art. 41) nor a collective decision on collective measures implying the use of force. Nor in a general way can be considered as a means of collective self-help to avoid (or also to avoid) individual self-help by States: have you ever seen the institution of such a tribunal as a countermeasure or reprisal by an offended State? (it could perhaps be conceivable only as reaction to a similar action by an offender State)

According to a correct construction, Security Council has not such a power: the institution of an organ of this kind is no executive, "police" measure, but a really normative, law-making decision, implying also a judicial power even on individuals, which is not vested in Security Council.

A fundamental essay by Gaetano Arangio-Ruiz, "On the Security Council's 'Law-Making'" – he is a former member of the U.N. International Law Commission and is one of the leading and prominent scholars in the Italian doctrine –, states: "The impression remains that

international lawyers are inclined, on the whole, to be satisfied with marginal criticism and marginal procedural suggestions aimed at making the Security Council's action legally less questionable and politically more palatable... one does not see, in the literature, an adequate treatment of a legal problem of Charter interpretation and application which has remained for about half a century under the sway of questionable Charter readings... One perceives, at times, in scholarly attitudes on the subject, an inexplicable renunciation by the legal commentator of his duty in the face of power politics and 'realism'". Arangio-Ruiz's conclusion about ICTY are to be considered definitive: "Clearly, the establishment of a tribunal with tasks comparable to those entrusted to the ICTY would inevitably have a very serious impact on the rights or obligations of the States whose sovereignty and criminal jurisdiction would be affected by the carrying out of those tasks. Two possibilities – assuming the impracticability of a treaty – were thus theoretically open as a matter of law to the Council. One was to take action by armed force in the territory involved, thus opening the way to the possible establishment of a criminal law court within the framework of military operations carried out by the U.N. or given States under article 42 or article 51... The other way was to set up the criminal court *per se*, as an isolated measure affecting the involved States' prerogatives of criminal jurisdiction outside the framework of any military operations under the Charter and general international law. Unable or unwilling to pursue the former course, and led astray by legal experts, the Council chose to pursue the latter course. In so doing the Council did not take a legitimate peace-enforcement measure under any article or articles of Chapter VII, notably under article 41. It took, simply, a law-making (not to mention law-determining and law-enforcing) measure which fell outside its functions under Chapter VII or any other provision of the Charter or general international law. The U.N. ignored, in so doing, the capital distinction established in the Charter between peace-enforcement, on the one hand, and law-making, law-determining or law-enforcing, on the other hand: the latter "functions" not having been attributed to U.N. bodies beyond specified areas".

I add that – *nemo dat quod non habet* – Security Council cannot establish a subsidiary organ (art. 29), entrusting to it powers which the Council self doesn't have (judiciary powers, even on individuals).

So ICTY is a sheer instrument of political violence. I leave aside every comment about its Statute, on its specific way of acting, the infamy of having refused to judge NATO crimes (bombings, depleted uranium etc.), the shameful kidnapping of President Slobodan Milosevic, the violation of State and State organs immunities (at least as stated by the award of International Court of Justice of 14 February 2002: *Case concerning the arrest warrant of 11 April 2000 – Democratic Republic of the Congo v. Belgium*) and so on and so on, and the indictments against Slobodan Milosevic, contrary to all principles of criminal law.

The Milosevic trial (and the other ones before ICTY) are political trials: the real crime by Milosevic is not to have accepted Western dictations and conditions. The trials, which are held mainly against Serbs (no leader of other Republics has been ever really threatened, Todjman, Izebetgovic, and now Albanian Kosovo leaders), are meant to warn peoples and leaders not to withstand imperial order: they are needed to impudently camouflage the aggression and embellish it, since their aim is to condemn supposed crimes of a supposed monster. Resolution 36/103 of 9 December 1981 by U.N. General Assembly (*Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States*) asserts "The duty of a State to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of other

States” and “The duty of a State to refrain from the exploitation and the distortion of human rights issues as a means of interference in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or groups of States”. Can you recognize the behaviours of Western Powers and mass-media?

Never has been double standard more evident: a State which refuse even to accept the conventional International Criminal Court of Rome and its allies are supporting a kangaroo trial against the victims of the aggression and a leader who tried to defend its country.

Such a complete lack of legality is tantamount to unconditional violence. It is not surprising that violence and terrorism (real or supposed) are widespreading on the planet, if the most elementary conditions of legality and justice are so heavily infringed even by U.N. selves.
