

January 16, 2001

Dear

Mr. Dr. Voyislav Koshtunitsa, President of FRY,  
Mr. Zoran Zhizhitch, Prime Minister of FRY,  
Mr. William Jefferson Clinton, the outgoing President of the USA,  
Ladies and Gentlemen,

Ref.: Below cited article has provoked me to write what follows:

**»War-crimes court would ensure chaos«**  
**By Charley Reese**

## I DIFFERENCES

For one simple but crucial reason there has been the fundamental difference between

Lincoln's reaction/engagement  
and  
Miloshevitch's reaction/engagement.

Lincoln was the President of the United States of America. He was responsible and in charge at first place to defend the Union, its people, Constitution and Constitutional System.

Miloshevitch was the President of Serbia. He was responsible and in charge at first place to defend the Republic of Serbia, its people, Constitution and Constitutional System.

**MILOSHEVITCH DID NOT DEVOTE HIMSELF TO  
HIS CONSTITUTIONAL DUTIES.**

Constitution of R. Serbia, Article 86: The Presidential Oath.

He instead imagined that he was in charge, at first place, to defend the Federation of Yugoslavia, in spite he was:

- NOT the President of the Presidency of SFRY,
- NOT a Member of the Presidency of SFRY,
- NOT the Prime Minister of the SFRY,
- NOT a Member of the Government of the SFRY,
- NOT the President of the Parliament of the SFRY,
- NOT a Member of the Parliament of the SFRY,
- NOT the Chief Commander of the Yugoslav Army.

Miloshevitch was using competencies that he did not have. He broke crucially the presidential competencies against the Constitution of R. Serbia, article 86:

“President of the Republic may not execute another public function or professional activity.”

At least for the above reasons, I evaluate and conclude as follows:

Although there are some analogies, it is inappropriate to compare Miloshevitich's reaction/engagement with Lincoln's reaction/engagement.

## II RESPONSIBILITIES

Moreover,  
Miloshevitich  
and all other five Presidents of SFRY Republics:  
Kuchan of Slovenia,  
late Tudjman of Croatia,  
Bulatovitch of Montenegro,  
Gligorov of Macedonia,  
[all of whom were the leaders of the League of Communists of Yugoslavia  
and Gligorov was even the President of its Parliament who signed the SFRY  
Constitution(!)],  
and  
Izetbegovitch (fundamentalist) from Bosnia and Herzegovina,  
broke the Constitution of SFRY and usurped their republic presidential positions.

They were obliged to ask for, appreciate and obey:

- federal elections for the Parliament of SFRY (because the mandate had expired), which **THEY, THE REPUBLIC PRESIDENTS, DID NOT DO; THEY EVEN DID NOT TRY TO PROPOSE THAT, NOBODY OF THEM, INCLUDING MILOSHEVITCH**, (I guess because they were afraid of facing the first multi party free elections for the federal Parliament, and consequently, they were frightened of a possible establishment of overall Yugoslav democratic parties on the federation level, across Yugoslavia),
- Parliaments of Yugoslav Republic (of Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Serbia and Macedonia) and the Federal Parliament of SFRY to lead the pacific, open, public process of solving the national, state and political problems according to the Constitution, heritage and moral, which **THEY, THE REPUBLIC PRESIDENTS, DID NOT DO, THEY EVEN DID NOT TRY TO PROPOSE THAT, NOBODY OF THEM, INCLUDING MILOSHEVITCH**,
- the federal referendum that had to decide about the vague meaning of **"UP TO SEPARATION"** in the right of "self-determination UP TO SEPARATION" GIVEN EXCLUSIVELY TO THE PEOPLES OF SFRY, but not to any Republic of SFRY, not to any national minority (called also: nationality). Croatia was constituted as the Socialistic Republic of two constitutive peoples: the Croats (I think cca 77%) and the Serbs (I think cca 22%). Bosnia and Herzegovina were constituted as the Socialistic Republic of three constitutive peoples: the Croats (I think cca 12%), the Muslims (I think cca 32%) and the Serbs (I think cca 45%).  
(Names are written in the alphabetical order. I think cca 1% were other people in each Republic).

However, there has been a significant difference between Miloshevitch - Bulatovitch attitude and that of the Presidents of other four Yugoslav Republics and of many other Yugoslav and foreign statesmen and political leaders, which is in favor of Miloshevitch and Bulatovitch:

- By referring to the above cited constitutional right Miloshevitch DID INSIST FOR LEGITIMATE EQUAL APPRECIATION OF PEOPLE'S CONSTITUTIONAL RIGHT FOR SELF-DETERMINATION ("UP TO SEPARATION").

Unfortunately, Presidents of other Republics, as well as the large majority of other Yugoslav statesmen and politicians, supported (maybe even inspired and/or excited) by Occidental statesmen and politicians (and by their public and other engagements), WERE FORCING THE UNCONSTITUTIONAL SECESSION OF FOUR YUGOSLAV REPUBLICS (Slovenia, Croatia, Bosnia and Herzegovina and Macedonia). Both, all Yugoslav, not only citizens but at first place statesmen and political leaders, and Occidental statesmen and political leaders were obliged to follow the Constitution of SFRY that was recognized by all the member states of the OUN.

Not only unfortunately, but tragically and catastrophically, those Yugoslav and Occidental statesmen and political leaders who were forcing and finally realized the secession of those four republics, by causing the human disaster in Yugoslavia, doubtless, were committing unbelievable, possibly without precedent, crime against humanity, peace, human and people's rights!

The situation is much worse and more serious for all of them, than it seems at first glance, because they were, all of them, Yugoslav and Occidental leaders, personally appealed on time (July 5, 1991):

- to halt all military operations and bloody struggles in Yugoslavia,
- to announce the elections for the Parliament of SFRY (since the mandate of its members had expired months ago), for the Parliaments, Presidents or Presidencies of all SFRY Republics,
- to realize the elections until September 30, 1991,
- to ensure democratic elections: equal rights for all voters, free and fair elections.

They completely ignored all that.

### III CHARGES

At least for the above reasons, I evaluate and conclude as follows:

- All the leading statesmen of SFRY and its Republics, in particular:
  - the Presidents of the SFRY Presidency Bora Yovitch and Stipe Mesitch,
  - the Presidents of all the SFRY Republics:
    - Kuchan of Slovenia,
    - late Tadjman<sup>+</sup> of Croatia,
    - Bulatovitch of Montenegro,
    - Miloshevitch of Serbia,

Izetbegovitch from Bosnia and Herzegovina,  
and  
Gligorov of Macedonia,  
- all the members of the SFRY Presidency,  
- Prime Minister Ante Markovitch and the members of the SFRY  
Government,  
- the President and the members of the SFRY Parliament,  
- the Minister of SFRY National defense Kadiyevitch  
and the Chief of the Yugoslav Army Headquarters Adzitch,  
are (+were) fully responsible for fundamentally breaking the Constitution  
of SFRY and permitting the unconstitutional secession and illegitimate  
arming of paramilitary units causing enormous human and people's tragedy  
and catastrophe.

Everyone of them should be (+ should have been) adequately charged for  
that since the appeal was sent on time to each of them to engage himself to  
resolve peacefully the national, state and political problems in SFRY  
according to its Constitution, but they ignored all.

- The Presidents and Prime Ministers of all the leading Occidental  
countries were at least supporting, or even forcing, the unconstitutional  
secession of four Republics of SFRY, arming the paramilitary units in  
SFRY and developing unjustifiable demonization of one whole  
nation and people - the Serbs - by falsely accusing them for the aggression  
(in their own Ancestorland) instead of appreciating equally the constitutional  
people's right for self determination (up to the separation) and instead of  
informing truthfully their own peoples and nations.

All of them should be adequately charged for all that since the appeal was  
sent (July 5, 1991) to each of them to engage himself to help and  
support Yugoslav statesmen and people to resolve peacefully the national,  
state and political problems in SFRY, but they ignored all.

#### IV OBSERVATION

Actual leading statesmen, army and political leaders in many countries still  
have the power to be over the domestic Constitution and Law, as well as beyond the  
International Law, and the Charter of the OUN.

They are mostly and mainly just those who have accepted the leading national  
and international positions in order to protect and defend the domestic Constitution  
and Law, the Internal Law and the Charter of the OUN, to assure their best realizations  
for the goodness of their own people, their neighbors and humanity!

#### HOPE

I hope that new statesmen and political leaders of the XXI century and the  
III millenium will execute their duties fairly peacefully. Hence, I hope they will  
present the truth about the affairs in (SFR) Yugoslavia 1991 - present and will do their

best to help normalizing situation by compensating for all kinds of damages there were done intentionally against the innocent people.

## ACKNOWLEDGMENT

I will be thankful to those who submit this email to Charley Reese.

## NOTE

This is simultaneously being emailed (under "Bcc") to all the USA Congressmen and to many other personalities, institutions and e-networks.

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X-Apparently-To: wounded\_earth@egroups.com  
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X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 5.50.4133.2400  
X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4133.2400  
From: "Milan Tepavac" <miltep@EUnet.yu>  
Mailing-List: list wounded\_earth@egroups.com; contact wounded\_earth-owner@egroups.com  
Delivered-To: mailing list wounded\_earth@egroups.com  
List-Unsubscribe: <mailto:wounded\_earth-unsubscribe@egroups.com>  
Date: Tue, 16 Jan 2001 05:13:27 +0100  
Reply-To: wounded\_earth@egroups.com  
Subject: [wounded@EARTH] Kangaroo courts.

I find this article interesting. I wholeheartedly endorse two points from it:

(1) An international criminal court which does not incriminate AGGRESSION (which is the case with the ICC) is illegitimate and detrimental to the concept of justice as understood in the Roman and Christian civilization. **Aggressive war is the supreme crime under international law** from which all other war crimes spring ("genocide", "crimes against humanity" and "war crimes" in contemporary parlance). **This said is even more valid for the AD HOC so-called International Criminal Tribunal for former Yugoslavia ("ICTY") (and the one for Rwanda). Its Statute also does not incriminate**

aggression and armed secession planned, instigated and otherwise aided from abroad. It now intentionally punishes the victims instead the guiltiest

(2) "Slobodan Milosevic, for example, as president of Yugoslavia, tried to prevent the components of the Yugoslavian Federation from seceding. In that, how is he any different from Abe Lincoln? Milosevic used force. So did Lincoln. The difference is that Lincoln won and Milosevic lost", said the article. It is more than hundred per cent true. To assert that Yugoslavia had no right to use force to crash armed secessions is tantamount to assertion that no state has such right, which would be idiotic nonsense.

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<<http://www.orlandosentinel.com/news/opinion/columnists/orl-reese011101.column>><http://www.orlandosentinel.com/news/opinion/columnists/orl-reese011101.column>

THE ORLANDO SENTINEL, Thursday, January 11, 2001

War-crimes court would ensure chaos

By Charley Reese

President Clinton signed a treaty that will create a permanent war-crimes court. To be fair, he signed it because of a deadline, after which non-signing countries would have no input into structuring the court. It still has to be ratified.

That said, the U.S. Senate should kill the treaty forthwith, as Sen. Jesse Helms, R-N.C., has said he wants to do. Helms is right and deserves the support of the American people.

Any international war-crimes court is illegitimate on its face. They are kangaroo courts in which the victors in a conflict seek vengeance on the losers. Such courts are also a direct assault on the concept of national sovereignty. They also politicize justice. They are patterned on the Soviet Union model in which courts function to enforce government policy, not to dispense justice.

Slobodan Milosevic, for example, as president of Yugoslavia, tried to prevent the components of the Yugoslavian Federation from seceding. In that, how is he any different from Abe Lincoln?

Milosevic used force. So did Lincoln. The difference is that Lincoln won and Milosevic lost.

I don't think that even Confederate soldiers would have stood still for a bunch of Europeans saying they wanted to seize Lincoln, haul him off to a foreign country and try him as a war criminal. Billy Yank and Johnny Reb would have come together instantly and said to the Europeans, "Look here, pal. What we do in our own country to each other is our business, not yours. Butt out."

I don't blame the current president of Yugoslavia one bit for refusing to hand Milosevic over to the United Nations' kangaroo court. Milosevic is answerable to the people of his own country, not to the people of the United States or France or Great Britain.

If this monstrosity is created, there will be chaos. Leaders of all sorts of countries will be charged with war crimes because, in fact, leaders of most any country that has fought a war are guilty of them. War itself, as Ernie Hemingway truthfully observed, is a crime against humanity. And once you politicize the law, then you've ended the rule of law and gotten into the realm of politics and propaganda.

Look what happened to Gen. Augusto Pinochet. While on a visit to Great Britain, he was arrested on the basis of a warrant issued by a leftist Spanish magistrate. What crimes, if any, Pinochet committed he committed in Chile, and that is the only country that should hold him accountable. In this case, I have to say, Chileans ought to build a monument to him because the general saved Chile from a communist coup and economic collapse. Killing communists trying to seize power is a crime only in the eyes of other communists and their leftist dupes.

Those in favor of this court hope to be able to tinker with the details in order to exclude Americans from its jurisdiction. That would be wrong and would provide one more example to the world of what hypocrites we are. It is better to oppose it on principle. If the court is to be created, there can be no just reason to exclude Americans.

National sovereignty, which means that Americans are answerable to no one but their own government and their own laws, should never be compromised. The creation of a permanent, international war-crimes tribunal certainly would compromise the national sovereignty of every country on Earth. That is the primary reason to block the tribunal's formation.

Americans should always remember that the United Nations is an undemocratic organization. Not one delegate is elected. There is no public input into its deliberations.