

Poor Marlise: Her Old Allies Are Now Attacking the Tribunal and Even Portraying the Serbs as Victims

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Marlise Simons, the New York Times's main reporter on the Milosevic trial and International Criminal Trial for the Former Yugoslavia (ICTY), has had a difficult year. Perhaps most painful was the disclosure that in 1999 the Kosovo Albanian KLA sent as many as 300 captive Serbs to Albanian to be killed and their internal organs "harvested" for sale abroad, a matter barely mentioned in the New York Times (see below). I was sorely tempted to write to Marlise Simons and offer her my sympathies: "Marlise, if only the villains in this case were Serbs, what a fine front page article you could have had here!"

She and her paper did have a windfall with the arrest of former Bosnian Serb leader Radovan Karadzic and his transfer to the Hague for trial in July (18-21), which was exploited to a maximum with nine bylined Simons articles, multi-day front page coverage, a stream of pictures of grieving (or capture-celebrating) victim family members, and the usual complete absence of any critical context on either Bosnian history or the nature and record of the ICTY. (For an analysis of Simons' sorry record and background on the issues at stake, see Herman and Peterson, "Marlise Simons on the Yugoslavia Tribunal: A Case Study in Total Propaganda Service," ZNet, March, 2004; for good reviews of the role of the ICTY, John Laughland, *Travesty* [Pluto: 2007]. and Michael Mandel, *How America Gets Away With Murder* [Pluto: 2004]; for a broader analysis of the issues, Herman and Peterson, "The Dismantling of Yugoslavia: A Study in inhumanitarian intervention—and a Western liberal left intellectual and moral collapse," *Monthly Review*, Oct. 2007).

Simons and the Times have adhered closely to the establishment narrative on the issues involved in the wars and dismantlement of Yugoslavia, including the good-evil dichotomy, steady demonization of the evil (Serbs), gullibility, suppression of inconvenient facts, and high praise for the work of the ICTY. Simons had a very flattering article on the ICTY prosecutor, Carla Del Ponte back in 2002 ("The Saturday Profile: On War Criminals' Trail, an Unflagging Hunter," *New York Times*, February 9, 2002), and throughout the Milosevic trial Simons reported Del Ponte's claims (and those of her PR associate Florence Hartmann), on an almost daily basis and without the slightest trace of skepticism. (This was helped along by simply ignoring some of Del Ponte's more egregious acts and statements, such as her appeals for public support of the ICTY by making strong public claims of the guilt of people on trial, and her statement that she would not pursue alleged NATO war crimes in bombing Serbia because she takes NATO's word for it that they didn't do anything illegal—she was "very satisfied that there was no deliberate targeting of civilians or unlawful military targets by NATO during the bombing campaign"; any that happened were "genuine mistakes.").

But Simons' old friend Del Ponte has written a book, thus far published only in Italy, entitled *La Caccia: Io e i criminali di guerra* (i.e., "The Hunt: Me and the War Criminals"), co-authored

with Chuck Sudetic, which makes several dramatic claims that would be highly newsworthy for a non-party-line and minimally honest Newspaper of Record. For one thing, it claims that U.S. pressure steered the ICTY away from Croatian, Muslim and Kosovo war criminals, and that NATO non-cooperation and the ICTY's dependence on NATO for "the rest of the Tribunal's work" (i.e., pursuing Serbs) made any investigation and indictment of NATO officials politically impossible. Her hypocrisy and self-deception here are massive, but it is still interesting to see her now admit the political basis of the ICTY's allowable work. Simons and the Times have never explored this crucial subject, and of course never reviewed John Laughland's and Michael Mandel's books that discuss the issues involved here in detail. (Laughland's *Travesty*, fully demonstrates the ICTY's corruption of judicial procedure; Mandel in *How America Gets Away With Murder* shows compellingly that the ICTY was a political arm of NATO and was designed to facilitate war, not peace-or justice).

More spectacular than her admission of politicization, Del Ponte reports in her book the point noted earlier—that the Kosovo Albanian KLA was involved in a program of sending Serbs, mostly seized civilians, to an Albanian location where "doctors extracted the captives' internal organs," which were sent off for sale. She estimates that 300 kidnapped Serbs were so treated. (For a partial non-authorized translation of Del Ponte's account, Harry de Quetteville, "Serb prisoners were stripped of their organs in Kosovo war," *Daily Telegraph*, April 11, 2008). This was done at the very time UN and NATO forces were deploying to Kosovo as the "humanitarian intervention" war was ending in 1999. Human Rights Watch has found "serious and credible allegations" on the organ-extraction and sale issue in a series of reports, but Del Ponte claims that here again, as with NATO's possible war crimes, it was difficult to get a serious investigation and process underway on the matter. The New York Times has mentioned this charge only once, in a single sentence deep in an article on another subject, in which the charge is dismissed with contempt by KLA terrorist and high-ranking Kosovo Albanian official Ramush Haradinaj (Dan Bilefsky, "Ex-Soldier May Go From The Hague's Docket to Kosovo's Ballot," *New York Times*, July 12, 2008).

The dismissal by the ICTY of the case against Haradinaj, as well as one against Bosnian Muslim leader Naser Oric, also presented a problem for defenders of the ICTY as an independent and genuinely judicial enterprise, with the result that these cases were kept virtually out of sight during the same period in which the Karadzic case got enormous publicity. Haradinaj had been indicted and brought to the Hague in 2005, but was allowed to return to Kosovo to campaign for high office although an indicted war criminal! This was in the same time frame in which the very sick Milosevic was refused permission to go to Moscow for medical treatment, with a Russian guarantee of return. (He died in prison two weeks after this ICTY denial of medical attention.). Both Haradinaj and Oric were not only leaders of organizations that killed large number of Serb civilians, in contrast with Karadzic and Milosevic they were both hands-on killers—which added to the likelihood that an unbiased court would have given them long prison sentences.

Haradinaj was the leader of the Black Eagles, which kidnapped and killed hundreds of Serbs and Kosovo Albanians who cooperated with Serbia, but he was found not guilty on any count—Bilefsky mentions that "lawyers and judges on the court complained that witness intimidation had been widespread," but he fails to mention that a number of potential witnesses against Haradinaj were murdered, and he doesn't point out that the ICTY judges failed once again to find guilt based on a "joint criminal enterprise" in a trial of a non-Serb. That ICTY-originated concept is apparently confined to usage against the ICTY-NATO target

population.

The Oric case is even more interesting because he openly bragged about his participation in the massacre of Srebrenica-area Serbs to Canadian Toronto Star reporter Bill Schiller and Washington Post reporter John Pomfret, and showed both of them videos of some of his Serb victims. (Schiller, "Fearsome Muslim Warlord Eludes Bosnian Serb Forces," Toronto Star, July 16, 1995; Pomfret, "Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy," Washington Post, Feb. 16, 1994.) Although there was this kind of evidence, and although Oric openly claimed to Schiller that he had participated in the killing of 114 Serbs in a single episode, it took the ICTY till 2003 to indict him, and he was then indicted for only six killings carried out between September 1992 and March 1993, not by him but by his subordinates. The implication that he was not responsible for mass killings after March 1993, with Srebrenica declared a "safe area" in April 1993, is contrary to well established facts.

More recently, the Bosnian Muslim Ibran Mustafic, who had been a member of the Bosnia-Herzegovina Parliament and was president of the Executive Board of the Srebrenica Municipal Assembly, published a book, *Planirani kaos* (Planned Chaos), which gives a great deal of evidence in support of the claim that Oric "is a war criminal without a par" (in Mustafic's words). Mustafic was scheduled to give testimony in the Oric trial, but after he argued with the prosecution that it failed to charge Oric with his real crimes, in the end the judges decided not to let him testify. Neither Schiller nor Pomfret were called as witnesses to testify before the ICTY on the Oric case, and their articles were not entered into the evidence. French General and former UN military commander in Bosnia, Philippe Morillon, who had been a prosecution witness in the Milosevic trial, had stated there that the Srebrenica killings of July 1995 were a "direct reaction" to the Oric massacres of earlier years, was not called as a witness during the Oric trial.

Oric was then found guilty, not of killing anybody but having failed to control his subordinates, and was freed with only a two year sentence, having spent three years at the Hague. This was followed by a further ICTY court decision that threw out his conviction and two-year sentence on ground of inadequate proof of Oric's knowledge of what his subordinates were doing. The double standard on proof of command responsibility and the laughably limited scope of the original indictment of this major war criminal fully confirm the ICTY's role as a political instrument and its process as a "travesty."

Just as Marlise Simons had ignored Naser Oric in earlier years, so with these trials of exoneration, the Times's coverage was confined to a short July 4, 2008 blurb taken from Agence France Presse, "Bosnia: Ex-Commander Is Cleared." Ibran Mustafic's book and testimony has of course never been mentioned in the paper.

Another development that Marlise Simons has had to dodge is the 2007 publication of a book by Florence Hartmann, *Peace and Punishment*, which, like Del Ponte's book, accuses the Western powers of having politicized the work of the ICTY, specifically in having blocked the capture and trial of Radovan Karadzic—a claim consistent with Karadzic's allegation of a deal with Richard Holbrooke. Even more interesting is Hartmann's claim that when Del Ponte was prosecutor of the Rwanda Tribunal (ICTR), which she was assigned to along with her service at the ICTY, the United States ordered her to drop any investigations and charges against the Tutsi army and Paul Kagame, a U.S. client. She refused and was fired. Earlier, when Louise Arbour was ICTR prosecutor, her staff had found strong evidence that Kagame and associates had organized the shooting down of the Hutu president's plane on

April 6, 1994, the act which initiated the escalated killings in Rwanda. Arbour had followed U.S. orders and closed down the investigation. Del Ponte refused to do that and was removed.

This was never disclosed in the New York Times when it happened, and Marlise Simons and company are not about to give Hartmann's confirmation of this highly important story any publicity today. It does not fit the established bias. As I have discussed elsewhere and often, when a strong party line forms within the U.S. establishment, as is true as regards both the dismantling of Yugoslavia and the Rwanda killings, the New York Times regularly cooperates, with the result that it performs as a propaganda agency of the state in a fashion similar to Pravda's service to the Soviet authorities. This was the case as regards, e.g., the non-existent 1981 Bulgarian-KGB plot to murder the Pope, the U.S. sponsorship of Pakistan's dictators and help to Bin Laden and the anti-Soviet Afghan resistance in the 1980s, Saddam's threatening (but non-existent) "weapons of mass destruction" in 2003, Iran's nuclear menace today (devoid of nuclear weapons) , as well as NATO's phony "humanitarian intervention" to deal with a non-existent Serb "genocide" in Bosnia and Kosovo. It is a great Paper of Record, helping manufacture consent to the policies of the imperial state whose record it keeps with meticulous care and dependable selectivity.

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