

# Counter-strikes and the law

By V. S. Mani

*International Law*  
*HO-12*

**L**OSS OF innocent human lives resulting from terrorist acts anywhere in the world must shock the conscience of humankind everywhere. The loss of thousands of lives and the devastation suffered by thousands of families resulting from the terrorist attacks on the World Trade Center on September 11 must be unreservedly deplored, and the attacks roundly condemned.

Three weeks later, by the evening of October 7, it was time for American retribution. The United States and Britain began bombarding Kabul, Kandahar and Jalalabad with Tomahawk cruise missiles and other deadly high-tech weapons. The targets, according to the U.S., are Taliban positions and terrorist training camps. The U.S. President, Mr. George W. Bush, justified the action saying he had given the Taliban a 14-day notice when he placed a number of demands on them including the handing over of Osama bin Laden. Britain, and other traditional allies stand firmly behind the U.S.-led "coalition". India too has supported the assault on the Afghan cities.

Immediately after the September 11 attack, the NATO declared that this was an attack against the whole alliance under Article 5 of the Treaty of Washington, 1949. Both the U.N. Security Council and the General Assembly strongly condemned it and called for organisational action. The Council decided to "remain seized" of the matter.

The international community has largely failed to address the basic causes of terrorism. In fact, the foreign policies of many countries tend to prop up issues that prove to be breeding grounds for terrorism. There are transnational groups as well as Governments themselves routinely engaging in terrorism. On the protection of innocent people from terrorist acts, there is a wide gap between the preaching and the profession by Governments. The international community has so far dealt with the issue of combating international terrorism in a piece-meal fashion.

The International Civil Aviation Organisation took the initiative by providing

for exercise of jurisdiction by different states in cases of common crimes committed on board aircraft in flight, by adopting the Tokyo Convention on offences and certain other acts committed on board aircraft in 1963. The spate of hijackings of a number of civilian aircraft particularly in 1969 (and the terrorists holding a number of innocent passengers including children hostage for a number of days, and blowing up two aircraft in the Sinai desert) prompted the ICAO to initiate two further treaties — the Hague Convention for the Suppres-

---

## *While terrorism is proscribed in international law, any response to it is equally subject to the law.*

---

sion of Unlawful Seizure of Aircraft, 1970, and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971. This did not, however, cover terrorist acts against airports, and hence the Montreal Protocol on Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 1988.

In 1988, the International Maritime Organisation adopted the Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the Rome Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf.

Two treaties have been adopted in respect of terrorist devices — the IAEA Convention on the physical protection of nuclear material, 1980 and the Montreal Convention on the marking of plastic explosives for the purpose of detection, 1991.

The U.N. General Assembly too came up with a number of treaties. They are: The conventions on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (1973), against the taking of hostages (1979), against the recruitment, use, financing and training of mercenaries (1989), for the suppression of terrorist bombing (1997), and for

the suppression of the financing of terrorism (1999). Currently, the General Assembly is deliberating on a convention against nuclear terrorism, and the India-sponsored comprehensive convention against all acts of international terrorism.

By and large, the general framework of these conventions follows the major ingredients of the ICAO conventions of 1970-88. They purport to achieve four things. First, they define certain categories of acts and make them unlawful. Second, they identify states which can

claim jurisdiction to try the offence. Third, they try to promote a broad (not necessarily foolproof) obligation of a state party to prosecute or extradite the persons accused of the treaty offence. Finally, they impose an obligation on the part of states to cooperate in criminal proceedings in all respects.

A major problem in respect of extradition has been the issue of political offences. A state may, under general international law, refuse to extradite an offender or an accused person to another state on ground of the offence being political in character. Most of the above treaties — barring the Tokyo Convention, 1973, the Protected Persons Convention, 1973, and the Hostages Convention, 1979 — do now recognise this exception.

Added to the above list are some regional conventions — the SAARC Convention on Terrorism, 1987, the European Convention of 1977, and the Latin American Convention of 1971.

Two other international treaties also have a direct bearing on combating international terrorism. They are the Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988-90, and the Palermo Convention on Transnational Organised Crimes, 2000.

Besides these treaties, there are some

basic principles of international law, such as non-use of force, non-intervention and human rights, which render international terrorism illegal. Each state has the responsibility to ensure that its territory is not used to the detriment of others.

While terrorism is proscribed in international law, any response to it is equally subject to the law. Unilateral use of force by a state or a "coalition of states" is permitted only in the form of self-defence against an armed attack under Article 51 of the U.N. Charter. That must be a response, in the words of a former U.S. Secretary of State, "instant, overwhelming, leaving no choice of means and no moment for deliberation".

The criticality and centrality of the role of the United Nations in combating terrorism has been reiterated in a number of recent resolutions of both the General Assembly and the Security Council. Many of these norms have indeed been disregarded by the U.S.-led "coalition" on grounds of morality or professionalism as in the recent past. There readily exists an international consensus to combat international terrorism.

Since 1992, the Council has come to hold the view that terrorism is a threat to international peace and security, and that the Council could in appropriate cases exercise its constitutional powers to use force on behalf of the organisation.

It would not have been difficult for the western "alliance" to use the Security Council to organise even a U.S.-led U.N. force against the Taliban regime which provides a haven to the terrorist organisation involved in the attack on the WTC. The Council as a collective body would have verified the credibility of the U.S. evidence to justify any counter-terrorist action, and its action would have a better chance of legitimacy and legality, than the U.S. taking upon itself the role of Captain America as it has chosen to do now.

*(The writer teaches International Law, and International Air and Space Law at the JNU, New Delhi.)*

# Hague court hears out tales of torture in Bosnia war trial

REUTERS  
THE HAGUE, SEPTEMBER 10

TALES of murder, torture and babies burnt alive echoed through Hague Tribunal courtrooms on Monday as seven men went on trial in three separate cases for atrocities in the 1992-95 Bosnian war.

Prosecutors opened cases against five Bosnian Serbs and two Croats as the arrival of extra judges sharply increased the tribunal's capacity, allowing it to start three trials on the same day for the first time.

All the defendants pleaded not guilty to charges, including crimes against humanity. Judges heard how Bosnian Serb Mitar Vasiljevic, a waiter, became a paramilitary who systematically murdered Muslims in and around the eastern Bosnian town of Visegrad in 1992-94.

Vasiljevic, 47, denies killing scores of Muslim civilians. In a June 1992 incident, prosecutors said he and others of the "White Eagles" paramilitary unit locked 65 women, children and old men into a room in a Visegrad house and set it alight.

*International Law*  
"There was a small baby among them. She had yet to see her third day on this earth," said prosecutor Dermot Groome.

Some tried to jump out of the windows, but another paramilitary stood outside shooting at them while Vasiljevic shone a light on the victims, prosecutors said. Screams were heard for two hours after the fire began. All but six of those locked in were killed. Among the victims were young children and babies, and 46 members of one family.

"Mitar Vasiljevic is not the most infamous among the Tribunal's indictees," Groome told Courtroom II. "But he is one who by his own hands committed an act that is perhaps one of the single most horrific and egregious affronts to humanity in the war — to the most innocent of victims."

Bosnian Croats Mladen Naletilic and Vinko Martinovic sat stony-faced as prosecutors in Court I accused them of being leading perpetrators of the ethnic cleansing of Bosnian Muslims in 1993, in the Mostar area of southern Herzegovina coveted by Croatian nationalists.

---

# Hague trial sparks Croatian crisis

Croatia, July 9

(11) 9. Low  
CROATIA HAS been plunged into political crisis by the resignation of four ministers in protest at the Government's decision to cooperate with the Hague war crimes tribunal.

The tribunal's success in capturing Yugoslavia's former president Slobodan Milosevic 10 days ago has given it a new momentum. Its prosecutors are insisting that there can be no more delays in the extradition of war crimes suspects from countries across the whole region. Until now, Croatian leaders have argued that the extradition of army officers suspected of war crimes would destabilise the country.

The resignation of the Croatian ministers, all from the Social Liberals, the junior partner in the centre-left coalition Government, is expected to provoke a motion of no confidence in the Parliament this week. The fate of the Government hangs in the balance. Led by the Social Democratic party (SDP) of the Prime Minister Ivica Racan, it only came to power 18 months ago. The SDP can only count on 69 votes in the 151-seat parliament. It needs 76 to survive. Veterans' associations and nationalist par-

1072  
HT-11  
ties have also threatened mass protests. With the tourist season under way, they might also attempt to blockade roads to Dalmatian coast resorts. After years of disruption by wars, tourists have returned in large numbers this year for the first time.

The Army and a part of the public regard the war of 1991-95 as a sacrosanct episode in Croatian history. Some 10,000 people died, most in 1991, and a third of Croatian territory was lost to Serbian and Yugoslav armies. But the successful campaigns to retake the territories, in 1993 and 1995, were accompanied by excesses against Serb civilians.

On Friday, the chief prosecutor of the tribunal, Carla del Ponte, on a visit to Zagreb, confirmed that two sealed indictments for the extradition of Croats were handed over on June 12. Reports in the Croatian media have suggested that the two most likely candidates are a retired general, Ante Gotovina, and General Rahim Ademi.

Reports say Gen Ademi was a commander in the Medak area in central Croatia, where Serb villages were destroyed and dozens of civilians killed as Croatian forces retook the area in 1993.

The Guardian

---

THE HINDUSTAN TIMES



# A long, unpredictable legal battle ahead

By Batuk Gathani

BRUSSELS, JULY 3. The appearance of the former Serb nationalist, Mr. Slobodan Milosevic, before the U.N. War Crimes Tribunal at The Hague was a marathon media event in all European capitals.

The trial has also triggered a major debate about the merits and credibility of selective international justice system. The U.S.-based 'Human Rights Watch' has also called for the Israeli Prime Minister, Mr. Ariel Sharon, to be investigated for "war crimes" and "crimes against humanity" for his overt and covert participation in the massacre of Palestinian civilians in Lebanon 19 years ago.

Apart from the controversy surrounding the politics and circumstances of Mr. Milosevic's arrest, what is certain is that the trial promises to be a long and unpredictable legal battle. The prosecutors in the 'war crime' trial have said that they do not have "firm, direct evidence" to link Mr. Milosevic with alleged war crimes and killing of ethnic minorities in Kosovo. But they claim they have enough "circumstantial evidence" to ensure a life sentence for the former President of Yugoslavia. Hence, the perception in some legal quarters is that despite the wealth of circumstantial evidence, proving a case against him will be a major legal challenge.

The retired U.S. General, Mr. Wesley Clark, who commanded the controversial NATO forces in almost ineffective bombing raids on Yugoslavia in 1999, was today quoted as saying that proving that Mr. Milosevic was responsible for the direct killing of civilians would not be an easy task. "You do not find any paper trail because Milosevic did not use any paper" and his orders were transmitted via the chief of staff and a key aide during fighting in Kosovo. The 54-page indictment consists of four counts of murder, deportation and persecution on racial, political and religious grounds of Kosovo Albanians — mainly Muslims.

After four days' solitary confinement in a United Nations cell at a small Dutch town, Mr. Milosevic was brought to the courtroom at 10.00 sharp this morning. An Internet relay of the hearing is to be broadcast from the Tribunal website — [www.un.org/icty](http://www.un.org/icty). Presiding over the hearing is Mr. Richard May, a British former circuit judge who is among a 14-strong permanent judiciary at the Tribunal.

Not all citizens of what is left of the Yugoslavian federation are admirers of Mr. Milosevic, but most Serbs one talks to feel that Mr. Milosevic has been "sold to

the west" for some U.S. \$1200 millions economic aid. This was negotiated on the previous day of his dramatic handover.

The economic collapse of Yugoslavia has whetted its appetite to seek membership of the European Union. Many Serbs feel that this could have materialised without 'selling' Mr. Milosevic.

The more ardent Serb nationalists also argue that Mr. Milosevic would not be facing such humiliation in The Hague if only Yugoslavia had credible military and economic clout. Many independent observers wonder if the "international criminal justice" is going to be applied only against weak and smaller states.

The Tribunal has a Swiss prosecutor and judges from different countries who will decide on the future of the indicted "war criminal". According to estimates, it may take about eight months to set the Milosevic trial and then it may last for a year or two. An American commentator in *The Washington Post* today wrote that "there is something fundamentally anti-democratic about a permanent court that can initiate investigations, name suspects and arrest people outside their own countries with almost no oversight. Every constitutional democracy protects the independence of its courts and prosecutors from too much political interference, but no democracy allows those prosecutors to function without any political oversight alone."

Mr. Milosevic fell from power after general elections on September 24. Most of the Opposition parties then endorsed the candidacy of Mr. Kostounica — leader of the single largest Serbian Opposition party. The present day Yugoslavia, with a population of just over a crore, consists of two republics — Serbia and Montenegro. But tension has been rising between Belgrade and the pro-western Montenegro government of the President, Mr. Djukanovic.

Kosovo, which is a 'province' of Serbia, is currently ruled by U.N. peacekeepers. Many Albanians there are now demanding full independence from Belgrade, as Serbia accuses Albania of fuelling the ethnic war in a quest to create a "greater Islamic Albania". The spill-over effect of ethnic crises is also echoing in Macedonia which is edging closer to civil war and where ethnic Albanians are on an offensive again. It is this prospect which horrifies the U.S. and the E.U. The American and European diplomatic envoys are trying to structure a parley and there is some talk of another NATO military intervention if secessionist challenge is not contained.

# Hague court illegal, says defiant Milosevic

FROM ALASTAIR MACDONALD

The Hague, July 3 (Reuters) Slobodan Milosevic defied the UN war crimes tribunal in The Hague today, telling judges it was an "illegal" instrument of his Nato enemies and refusing to plead on charges of crimes against humanity in Kosovo.

In his first appearance since being spirited out of Belgrade last week, the ousted Yugoslav President forced the British judge chairing the three-man bench to enter not guilty pleas on his behalf. Ever a master of surprise, Milosevic even declined to appoint defence counsel in a show of contempt for the court.

"I consider this tribunal a false tribunal and the indictment a false indictment," he said in calm, accented English, his head held high. He declined to use the translator's black headphones familiar from war-crimes trials of the past.

But prosecutors said his stonewalling tactics would not prevent the case going to trial, probably next year.

Some observers, including the Serbian reformers who toppled him in October, detected the political bluster of a fallen hero contemplating life behind bars. With little to lose, he appeared to be performing for dwindling numbers of admirers back home.

Further charges, including genocide, could still be brought, chief prosecutor Carla Del Ponte said. The next hearing was set for late August. A trial itself is not likely until next year.

"It is illegal, being not appointed by the UN General Assembly. So I have no need to appoint counsel to an illegal organ," said Milosevic, who graduated in law 37 years ago. "This trial's aim is to produce false justification for the war crimes of Nato committed in Yugoslavia." In 1999 the Serb strongman became the first head of state indicted before an international court for war crimes while still in office.

After urging him to get a lawyer, presiding Judge Richard May asked if he wanted to hear the full indictment on three

counts of crimes against humanity, including mass murder and deportation, and one of breaching the Geneva Conventions on the conduct of war during Serb ethnic cleansing in Kosovo in 1999.

Removing his hands from his chin in a gesture of bored contempt, Milosevic drawled in English: "That's your problem."

Having asked how he would plead, May cut off a new stream of invective against the West. "Mr Milosevic, this is not the time for speeches," he said with cut-glass English politeness. After consulting his colleagues on the bench - Jamaican Patrick Robinson and Morocco's Mohamed Fassi Fihri - he added: "We treat your response as a failure to enter a plea. We shall enter a plea of not guilty on each count on your behalf."

"It was a purely political performance for the folks back home," said Avril McDonald, an academic expert on international law at the Asser Institute in The Hague.

"Milosevic is not aware of where he is," said Goran Vesic, a

senior official in Serbia's now ruling Democratic Party, told the Beta news agency.

"He still thinks he's a politician."

Serbian Prime Minister Zoran Djindjic, instigator of the covert operation to hand over the ex-President which has sparked protests from Milosevic supporters and from Yugoslav President Vojislav Kostunica, was keen to draw a line under the episode.

"He is now in the jurisdiction of the international judiciary and it is his affair how he behaves," he said. Chief prosecutor Del Ponte, for whom Milosevic's arrest was a personal triumph, was said to be unfazed by the tactics.

"It was widely expected that he would make a stand and deny the tribunal's jurisdiction and try to make a political statement," her diplomatic adviser Jean-Jacques Joris said, adding the prosecutor had briefly met her quarry afterwards.

International Criminal Tribunal spokesman Christian Chartier said the tactics had "no

consequences whatsoever" for the case. May said the next hearing would be in the week starting August 27 unless there was a need to meet earlier.

But three months after being detained on corruption charges in Belgrade, Milosevic was clearly not going along meekly with a pattern of proceedings at The Hague that have brought dozens of others to book for a decade of blood and mayhem in the Balkans.

Despite massive evidence of atrocities in Kosovo, where three quarters of a million people were forced from their homes and the names of nearly 600 identified dead are listed on Milosevic's indictment for murder, actually proving the man at the top was fully responsible will be far from straightforward.

Prosecutor Del Ponte's spokeswoman said she aimed to lay further charges by October, relating to wars in Bosnia, where some 200,000 people died, and in Croatia. Del Ponte could even bring the tribunal's gravest charge, genocide.



Former Yugoslav President Slobodan Milosevic being led into the courtroom of the UN War Crimes Tribunal in The Hague. (AFP)

**MILOSEVIC EXTRADITION / RIFT BETWEEN REPUBLICS WIDENS**

# Govt. under threat as PM quits

**BELGRADE (YUGOSLAVIA), JUNE 30.** Yugoslavia's Prime Minister, Mr. Zoran Zizic, resigned and thousands of angry supporters of Mr. Slobodan Milosevic rallied on Friday to protest the former President's handover to the U.N. War Crimes Tribunal.

The resignations of Mr. Zizic and other former Montenegrin allies of Mr. Milosevic hastened the imminent collapse of the Government and threatened to lead to a split between Yugoslavia's two remaining republics, Serbia and the much smaller Montenegro. About 6,000 supporters of Mr. Milosevic, some shouting "treason!" and "let's rise up!" massed in front of Belgrade's Federal Parliament to protest the Serbian Government decision to surrender the former President. "This is outrage. This is banditry. This is a blatant violation of all laws," said Mr. Miodrag Sekulic (56), a retired teacher from Belgrade and a staunch Milosevic supporter, as he painted a fresh banner saying: "We will arrest the traitors."

The ultranationalist Radical Party leader, Mr. Vojislav Seselj, said, "in the whole of Serbia's history, it never had such ruling traitors." He appealed to the army and police "to prevent the future handover of our heroes to The Hague," promising "a fierce and relentless battle" against current Government officials.

The political resignations, however, meant the collapse of the Cabinet, which is made up of Serbia's pro-democracy officials and Ministers from Montenegro.

The Yugoslav President, Mr. Vojislav Kostounica, can now propose a new Prime Minister, but if that is rejected in Parliament, he would have to call new Federal elections.

Mr. Kostounica met army leaders to discuss the mounting tensions. A terse statement after the talks said the crisis "must be resolved by political means." Mr. Zizic said he resigned because of the "hasty and tactless decision" to hand Mr. Milosevic over to the tribunal. "The price was beyond any dignity. I cannot accept this in my name and in my people's name, and therefore, I resign from the post of Federal



**The Yugoslav Premier, Mr. Zoran Zizic (right), speaks during a press conference in Podgorica, Montenegro, on Friday. At left is Mr. Predrag Bulatovic, leader of their SNP-Socialist People's Party. — AP**

Prime Minister," he said. Mr. Milosevic was handed over by the Serbian Government, which ignored a Federal Constitutional Court ruling that banned his extradition.

Calling the handover of Mr. Milosevic a "turning point," the tribunal's chief prosecutor, Ms Carla Del Ponte, said the Kosovo indictment against the former Yugoslav President would be expanded and that other war crimes suspects must be brought to justice. His lawyer, Mr. Branimir Gugl, said Mr. Milosevic called his family from the tribunal's prison to proclaim his innocence on charges of crimes against humanity in Kosovo and to say he was "fine and healthy."

"In the phone call from jail, he said he was kidnapped" when taken from Belgrade's Central Prison, Mr. Gugl said.

Mr. Kostounica — a staunch opponent of The Hague tribunal — had described the Serbian Government's unilateral move to hand Mr. Milosevic over as "illegal and unconstitutional," saying the extradition was carried out without respect for legal procedure.

The Serbian Prime Minister, Mr. Zoran Djindjic, who pushed through the extradition, said Yugoslavia had no choice but to surrender Mr. Milosevic or face international isolation and the loss of much-needed foreign aid. — AP



# Yugoslavs divided over extradition

By Vaiju Naravane

PARIS, JUNE 29. "They sold him for less than 30 pieces of silver. What is a billion dollars in today's world? In any case, most of the money will end up lining the pockets of politicians and quite a bit of it will go back to the donor countries by way of payments to their companies contracted to build our roads, infrastructure and re-start our factories," laments a 52-year-old Yugoslav worker, Mr. Boban Stavic.

His words express the cynicism that grips Yugoslavs who have lost their wealth and their dreams in this past decade of fighting during which they saw their country reduced from being a powerful player in the Balkans to the outcast of the Western world. A country that lost four wars and four-fifths of its territory, its pride and its prestige.

Mr. Stavic is a nationalist and not ashamed of it. He has always "voted Slobo" and continues to view the now imprisoned former Yugoslav President as the one person who stood up to "the diktat of the West". Mr. Stavic has been demonstrating outside the Milosevic residence in Belgrade's chic Dedijne district, in front of the Parliament building and in the central Republican Square, demanding the release of his leader.

"They have done it for the money," he says. "Could there have been a worse betrayal of our values, our traditions?" he asks. But Mr. Stavic is clearly in a minority. Most Yugoslavs, although they decried the haste in which the Serbian Government led by the Prime Minister, Mr. Zoran Djindjic, decided to hand over former Yugoslavian President, Mr. Slobodan Milosevic, to the War Crimes Tribunal at The Hague to face charges of crimes against hu-

manity for the massacre of Albanians in the Serb province of Kosovo, now feel there was nothing wrong with the decision.

"Slobodan Milosevic did incalculable harm to Yugoslavia," says journalist and interpreter, Mr. Dragan Petrovic. "He should be made to pay for the demons he unleashed on our unsuspecting people, for the deprivation and hardship he caused, for the arbitrariness of his regime. Under Milosevic, there was no respect for law and order there was no justice. There was only the autocratic rule of Milosevic, his wife Mirjana and their cronies. I think he is accountable for his actions. The Serbian people have radically changed their attitude towards Milosevic in the past few months. Most of us believed that the Western propaganda machine had grossly exaggerated the extent of the damage, the suffering experienced by the Kosovar Albanians. Now our own newspapers like *Vreme* have revealed that hundreds of bodies of slain Albanians were dumped in common mass graves, some of them within 15 km of Belgrade. That has removed the blindfold from our eyes. We agree he should be punished," he concludes.

The U.N. War Crimes Tribunal on Friday ordered Mr. Milosevic to make his first court appearance next Tuesday to hear charges for his part in a decade of Balkan wars that claimed hundreds of thousands of lives.

The former President, behind bars at The Hague, underwent an initial medical examination after being delivered by helicopter to the walled compound of Scheveningen prison in the early hours of the morning, then spent his first night in international custody. His cell there is relatively comfortable when compared to that of the Belgrade prison. He has television, a coffee making machine, newspa-

pers and the right to constitute his legal team.

"On Tuesday, he will make an initial appearance," the tribunal spokesman, Mr. Jim Landale, said. He would be brought before a judge at 10 a.m. (local time), the charges would be read to him and would be asked to enter a plea — either guilty or not guilty."

Mr. Milosevic (59), is the first former head of state to be tried for alleged war crimes while in office. His handover, widely praised by world leaders as a courageous move and a break with the past, boosted Belgrade's hopes of a \$1.3-billion foreign aid-and-investment pledge. A money transfusion is urgently needed to right the teetering economy which is on the brink of bankruptcy.

"Nobody is happy when his or her former President is sent to The Hague tribunal, but it had to happen, and the sooner the better," the Yugoslav Deputy Prime Minister, Mr. Miroslav Labus, said.

But his words were belied by evidence of increasing tension between the Prime Minister, Mr. Zoran Djindjic, and the President, Mr. Vojislav Kostounica, who opposed the extradition urging a respect of the appeals process. The decision to hand over Mr. Milosevic was taken in haste after the Yugoslav Constitutional Court accorded his lawyers more time to present his case.

Mr. Milosevic was whisked away to the detention centre by helicopter at 1 a.m. (local time) after a British military flight brought him to the Netherlands from Belgrade via Bosnia. If convicted in The Hague, he faces a maximum sentence of life in jail in one of seven countries which accept convicted Tribunal cases.

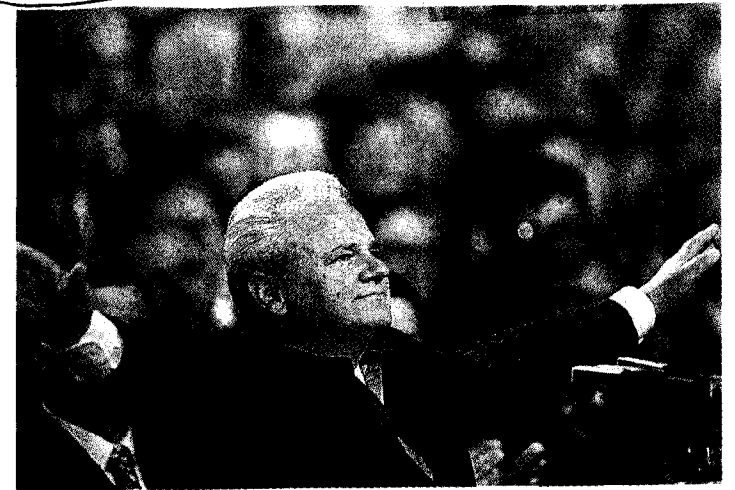
The Tribunal chief prosecutor, Ms Carla Del Ponte, described the arrest as a day "that will be remembered as an important milestone for international criminal justice."

Those still wanted by the court include the Bosnian Serb wartime leaders, Mr. Radovan Karadzic, and General Ratko Mladic, both accused of the tribunal's most serious charge, genocide.

Mr. Milosevic and his aides, who all occupied high state positions at the time the indictment was issued, are accused of deporting 740,000 ethnic Albanians from Kosovo and of murdering 340 Albanians identified before May 24, 1999, when the indictment was confirmed by a judge, during NATO's bombing campaign against Yugoslavia.

Mr. Kostounica's party, angry at the transfer of Mr. Milosevic, decided on Friday to leave the parliamentary groups of the ruling DOS reformist alliance. The Democratic Party of Serbia said it would leave the DOS groups in both the Serbian and Federal Parliaments and also wanted a reshuffle of Governments at both levels. But party leaders said this did not mean they were leaving completely the 18-party DOS, which united to oust Mr. Milosevic in a mass uprising last October.

Mr. Kostounica criticised the move as illegal and unconstitutional. "This is not just about the illegal extradition of the former Yugoslav President but also about many previous moves which were in complete disaccord with the basic constitutional order and the coalition's objectives," a party statement said.



A 1997 file picture of the former Yugoslavian President, Mr. Slobodan Milosevic.— A.P.

## Nemesis catching up?

By Vaiju Naravane

PARIS, JUNE 29. In a country where people lay great store by symbols and omens despite over 40 years of socialist rule, the date of Mr. Milosevic's arrest assumes significant proportions.

It was on June 28, 1389 on the battlefield of Kosovo Polje that the Slavs suffered their greatest defeat at the hands of the Ottoman Turks. The Muslim invaders were there to stay and ruled the region for the next 500 years. The Slavs never recovered from that defeat and look upon it even today as a humiliating defeat.

On June 28, 1989, on that very same battlefield, Mr. Slobodan Milosevic who had recently taken over as the leader of Yugoslavia's all powerful Socialist party pronounced a historic speech

before a 100,000 strong crowd of Kosovo Slavs. Faced with Slavs complaining of Albanian domination, he assured them, "You will never be beaten again." Those words set into motion his ambitious plan for Serbian nationalism, of carving out a Greater Serbia from Serb-dominated regions of Croatia and Bosnia Hercegovina. Soon Kosovo's autonomy was abolished and it was summarily attached to Serbia as just another Serbian province. The rest is history. Four bloody Balkan wars, thousands dead, injured or homeless.

On June 28, 2001 Mr. Slobodan Milosevic was handed to the International Criminal Tribunal to be tried for crimes against humanity. Just irony of fate or nemesis finally catching up with him?

## Interference: Russia

By Vladimir Radyuhin

MOSCOW, JUNE 29. Russia has protested the handover of the former Yugoslav President, Mr. Slobodan Milosevic, to The Hague war crimes tribunal as interference in Yugoslavia's internal affairs.

The Russian Foreign Minister, Mr. Igor Ivanov, said Moscow had grounds to believe Mr. Milosevic's extradition of the former Yugoslav leader was the result of Western interference in Yugoslav affairs and warned the West against trying to squeeze political dividends from Yugoslavia's economic hardship caused by the 1999 NATO bombings.

"If some forces are out to exploit the current economic difficulties in Yugoslavia for their own purposes, they would be taking upon themselves a very grave responsibility for the future fate of Yugoslavia and the situation in the Balkans as a whole," Mr. Ivanov told Russian television on Friday. He conceded it was "an internal affair of Yugoslavia" to decide whether to hand over Mr. Milosevic but said the process should have been in keeping with the country's law and free from foreign intervention.

The Russian Minister said he shared the view of the Yugoslav President, Mr. Vojislav Kostounica, that the handover was unconstitutional and said the move could destabilise the situation in Yugoslavia. "Everything that is happening at the moment with regard to Milosevic confirms that contradictions are mounting within the internal democratic forces" of Yugoslavia, the Russian Foreign Minister said. The Speaker of the Upper House of the Russian Parliament voiced his "outrage" at what had happened and said Mr. Milosevic's extradition set a dangerous precedent for Russia as an attempt to assert supranational justice.



A worker at the Tuzla Identification Center inspects the bags of mortal remains exhumed from several mass graves found in northeastern parts of Bosnia on Friday. Thousands of bodies are now being found in numerous mass graves believed to be victims of Serb forces backed by the former Yugoslav leader, Mr. Slobodan Milosevic's former regime. — A.P.



# Leaders hail extradition of the 'Butcher of the Balkans'

The Times of India News Service and Agencies

LONDON: World leaders have hailed the extradition of Slobodan Milosevic to a UN war crimes tribunal in The Hague, calling it a landmark day for justice and a key break with the past by Belgrade.

U.S. President George W. Bush said the hand-over to the International Criminal Tribunal for former Yugoslavia (ICTY) sent "an unequivocal message to those persons who brought such tragedy and brutality to the Balkans that they will be held accountable for their crimes".

Britain welcomed the extradition even as it assumed an air of self-congratulation for bringing the so-called Butcher of the Balkans to justice. British foreign secretary Jack Straw said the trial of Mr Milosevic sent a strong signal to dictators everywhere. He said Mr Milosevic's impending trial would not have come about "if it had not been for very firm international and military action, which in this particular case in Kosovo, was led by our Prime Minister".

British Prime Minister Tony Blair, who was seen as extremely hawkish throughout NATO's Kosovo war, described the events of Thursday night, which featured on flickering television screens across Europe and showed the former Yugoslav dictator ignominiously being led into the UN remand centre in the Netherlands, as "a thoroughly good thing".

"We have always made it clear he should stand trial in respect of the allegations we have always made against him," he said, adding that Britain had

"made a continual effort" to bring those accused of war crimes to justice.

The British foreign office, meanwhile, began a sustained attempt at discounting media coverage of Mr Milosevic's extradition as linked to base monetary motives on the part of the cash-strapped new Serbian government rather than any desire to secure justice for several hundred thousand alleged victims.

Dennis MacShane, a foreign office minister, denied the hand-over was quid pro quo for substantial handouts expected by Serbia at Friday's international donors conference being held in Brussels.

In what many analysts assumed to be a reference to the increasing concern within the European Union and NATO over the spreading Balkan brushfire, notably in Macedonia, Mr Straw said that there was no need for western European countries to send in troops "every time there was conflict somewhere".

However, he said, "it does follow that where there is a conflict we do have to be prepared to use proportionate force".

Most British newspapers carried extensive coverage of the developments in Belgrade, Brussels and the small Dutch coastal town of Scheveningen, where the helicopter carrying Mr Milosevic landed at the dead

of night, with the lights turned off to pre-empt trouble. *The Independent* described his downfall as "a dizzying descent, from great dictator to bloody pariah". Balkans expert Misha Glenny, whose book *The Balkans: 1804 to 1999* is considered an important reference work, described Mr Milosevic's "endless tactical game" in *The Times*, London. Being sent to The Hague was Mr Milosevic's worst fear, said Ms Glenny, and something he did everything possible to avoid, giving himself up to the new Serbian authorities only on condition that he would be sent to a Serbian prison and not to The Hague.

Mr Milosevic was flown to The Hague on Thursday, only hours after a dramatic twist in which the Serbian government, anxious to obtain desperately needed donor aid at a conference in Brussels, brushed aside a decision of Yugoslavia's top court to freeze the hand-over.

He would be the first head of state to stand trial before an international tribunal for acts committed under his rule. He stands accused of war crimes and crimes against humanity against ethnic Albanians in Kosovo.

"It is a day few had imagined, but many had hoped for. It is a day that will be remembered not for vengeance, but for justice. It is a victory for accountability over impunity," UN secretary-general Kofi Annan said.

"To the many victims of the Balkan wars of the past decade, I hope this day will bring some measure of comfort, some sense that even the most powerful leader can be brought to justice and face the consequences of his actions."

While French president Jacques Chirac said it was "great progress for the universal conscience" German Chancellor Gerhard Schroeder hailed the hand-over as a "great success for international efforts for justice".

But there was no immediate reaction from Russia. EU foreign policy chief Javier Solana said the move would help Yugoslavia obtain the financial aid it desperately needed to put the country back on track after a decade of war, sanctions, international isolation and economic ruin.

"Today is an historic day for justice," said Mr Solana, who was NATO chief when the alliance launched a 78-day air war against Mr Milosevic's regime.

Former U.S. secretary of state Madeleine Albright said the extradition of Mr Milosevic was a victory for the people of Serbia. "I do think that the people of Serbia are the victors as a result of this move to The Hague," Ms Albright said.



**We have always made it clear that he should stand trial in respect of the allegations we have made against him. Britain has made a continual effort to bring those accused of war crimes to justice**  
- Tony Blair

HPD 1  
2/1/6

# Milosevic extradited

By Vaiju Naravane

PARIS, JUNE 27. The former Serbian strongman, Mr. Slobodan Milosevic, has been extradited to the International Criminal Tribunal on the former Yugoslavia at The Hague in the Netherlands.

Mr. Milosevic is accused of war crimes and crimes against humanity for the massacre of several thousand Albanians in Kosovo and for acts committed in Croatia and Bosnia-Herzegovina during the wars which led to the independence of these former Yugoslav republics.



In dramatic developments in Belgrade, he was extradited just

hours after Serbia's Constitutional Court accorded him a further delay in his trial.

Mr. Milosevic had been handed over to an official of the U.N. war crimes tribunal, the Yugoslav Prime Minister's spokesman confirmed late on Thursday.

He said the federal Government had the right to overturn a decision handed down by the Constitutional Court in Serbia which, with the republic of Montenegro, now constitutes the rump Yugoslavia.

Details on Page 17

THE IDU

2/1/6

# Milosevic transfer appears more certain

**BELGRADE, JUNE 26.** The Yugoslav government took the first legal steps on Monday to hand over the former President, Mr. Slobodan Milosevic, to the International War Crimes Tribunal in The Hague, Netherlands, raising expectations that he might be transferred this week before an international conference that could bring aid to Serbia.

The Justice Ministry forwarded a request from the Tribunal for Mr. Milosevic's transfer to a Belgrade district court on Monday, in keeping with a decree on cooperation with the Tribunal adopted on Saturday, the official Tanjug news agency reported. The request established 'concrete' proof, the agency said, of the government's willingness to hand over indicted war-crimes suspects.

The Government ignored a legal challenge by Mr. Milosevic's lawyers calling the decree unconstitutional and asking that it be suspended.

The Constitutional Court convened on Monday but did not announce any ruling. The Justice Minister, Mr. Momcilo Grubac, who drafted the decree, appeared unperturbed by the challenge and said he did not expect the court to find the decree unconstitutional.

Mr. Milosevic, who has been in detention in Belgrade's city jail since April 1 under investigation for corruption, is wanted in connection with crimes against humanity in Kosovo during the war in 1999. Four of his senior officials were also indicted with him, but they remain at large, while Mr. Milosevic's transfer appears increasingly



certain. The district court has to act on the request by the Justice Ministry within three days.

The international conference of donors will convene in Brussels, Belgium, on Friday. Ministers are hoping to raise more than \$1 billion at the conference, money badly needed to rescue Yugoslavia's crippled economy. The U.S. has linked its participation to Yugoslavia's cooperation with The Hague, and officials have said they want to see concrete steps in addition to the decree, namely arrests and transfer of indicted suspects.

On Monday, European Union officials said they would go ahead with the conference, and urged the United States to take part. U.S. officials have yet to decide whether they will participate.

In Belgrade, it is becoming increasingly clear that Mr. Milosevic's days in Serbia are numbered.

The Yugoslav President, Mr. Vojislav

Kostounica, told a delegation from Mr. Milosevic's Socialist Party that his extradition was the "lesser of two evils", the Belgrade radio station, B92 reported. A party delegation met Mr. Kostounica to protest the transfer, saying it represented national surrender, but he told them it would be a "lesser evil than what would happen to the country if we did not do it".

The Deputy Prime Minister, Mr. Miroslav Labus, announced on Saturday that the Government intended to extradite all 16 suspects indicted by the Tribunal who are thought to be in Yugoslavia.

The Serbian Interior Minister, Mr. Dusan Mihajlovic, backed that promise with a challenge. "Do you doubt Mr. Labus will keep his word?" he asked in an interview.

And even as they made a last-ditch attempt to fight off the decree, Mr. Milosevic's lawyers showed signs of exasperation and resignation. "We do not think the transfer will happen. We are going to do everything we can to fight it," said Mr. Toma Fila, Mr. Milosevic's chief lawyer, at a news conference.

But a lawyer in his office later admitted that he expected Mr. Milosevic to be in The Hague by Friday.

There remains some uncertainty about the appeal process under the new government decree. Mr. Milosevic may be allowed to appeal a court order for his transfer, in which case he may have two or three weeks' reprieve while the courts consider and rule on his appeal. — *New York Times*

THE HINDU

# Milosevic lawyers to challenge Govt decree on extradition

HE-11  
26/6

Belgrade, June 25

SLOBODAN MILOSEVIC'S lawyers said today that they would move a high court to challenge a Government decree enabling the former President's extradition to the UN war crimes tribunal.

Toma Fila, head of Milosevic's 10-member defence team, said on Sunday that his lawyers would demand the constitutional court block implementation of the decree until it decides whether the measure was illegal.

The UN war crimes court in The Hague, is trying Milosevic for alleged war crimes committed in Kosovo during the 1998-99 war.

The USA and its allies have hailed the Yugoslav Government decision to clear legal obstacles for Milosevic's extradition and over a dozen other war crimes suspects sought by The Hague court.

Yugoslavia risks losing billions of dollars if it fails to cooperate with The Hague court. Efforts at improving ties with the UN tribunal have intensified ahead of a donors' conference scheduled for Friday in Brussels, Belgium.

Some Serbian officials have suggested that the appeals process could delay any extradition for over two weeks. If extradited, Milosevic would be the first former head of State to face a war crimes trial in front of the UN court.

The decree was passed by the Yugoslav Government on Saturday and took effect the following

day. But it was not immediately clear how soon any legal procedure for Milosevic's extradition will start. Fila assailed the measure as "legal piracy". He said Milosevic read the decree and said it was illegal because nearly half of the ministers in the Yugoslav Cabinet were absent when it was agreed on.

"This was a political decision and it renders the law helpless against such bullying methods," Fila said.

The decree is the work of federal Government ministers from Serbia, the larger of the two Yugoslav republics. Ministers from the sister republic, Montenegro, oppose the extradition of Yugoslav citizens but are outnumbered in the Cabinet.

The Montenegrin ministers offered to resign their Cabinet posts - a move that may ultimately lead to a government collapse and call for new federal elections.

The decree permits the Governments of Serbia or Montenegro to object to a particular extradition case, though the final authority rests with the federal Justice Ministry.

Milosevic has been in Belgrade's Central Prison since April 1 pending an investigation into allegations of corruption and abuse of power during his tenure. Investigations have recently widened to encompass allegations that he covered up Kosovo atrocities.

AP

THE HINDUSTAN TIMES  
20th June 2001

# Commander in Serb Army held for '95 massacre

BY DARIA SITO-SUCIC

Sarajevo, April 16: Nato-led peacekeepers arrested a Bosnian Serb Army commander on Sunday who had been indicted by a UN war crimes tribunal for alleged involvement in the 1995 massacre of thousands of Muslims in Srebrenica.



Dragan Obrenović, who was commander of a Bosnian Serb Army brigade at the time, was under "sealed indictment," meaning that the charges against him had not been made public to avoid alerting him to his possible arrest.

Florence Hartman, spokeswoman for the tribunal prosecutors' office, said Obrenović had been arrested by the Nato-led Stabilization Force near Zvornik, in Bosnia's Serb republic near the border with Yugoslavia.

He was flying to The Hague on Sunday night and was expected to be brought before the court in the next few days.

He was charged with complicity in genocide, crimes against humanity and violations against the laws and customs of war, said Ms Hartman.

The indictment was issued on

April 9.

Obrenović was allegedly involved in the killing of thousands of Muslims in the eastern Bosnian town of Srebrenica, Ms Hartman said.

The Srebrenica massacre is regarded as Europe's worst atrocity since World War II. Bosnian Serb forces are alleged to have killed up to 8,000 Muslims in and around the town.

The biggest mass grave of the Srebrenica victims was found around 35 miles away near Zvornik.

Obrenović was chief of staff of the Zvornik Brigade. "Srebrenica represents one of the darkest episodes in the recent tragedy that befell Bosnia," the US White House said in a statement, noting that the US forces aided in the arrest.

"This apprehension demonstrates that Nato and the United States remain committed in helping to bring indicted war criminals to justice as an essential step in consolidating the peace and promoting the rule of law in Bosnia," it said.

UN chief prosecutor Carla Del Ponte was also pleased with the arrest. "Prosecutor Carla Del Ponte welcomes the arrest by the Stabilization Force. We have not had any arrests since June last year," Ms Hartman said. "We hope that this will lead to other arrests in the next weeks. There are still some 10 fugitives in the Bosnian Serb entity," she added. (Reuters)

TUESDAY, APRIL 3, 2001

119-12

## PURSUE ALL THE EX-DICTATORS

6

THESE MUST BE testing times for the few surviving dictators and the many former ones who have turned prosperous fugitives. Every passing year brings unpleasant tidings for these men. For nearly a year, the world witnessed the spectacle of the despotic former military ruler of Chile, General Augusto Pinochet, going to desperate lengths to save his skin. Even as the laws of his country pursue him relentlessly at home, the aging General's trial in neutral London proved a welcome precedent and impacted on other countries, including a few in Africa. Now comes from Belgrade, Yugoslavia, a potentially far more significant development. The arrest and impending prosecution of the deposed Yugoslav President, Mr. Slobodon Milosevic, must raise hopes among the international community that ruthless men like him could and would be brought to justice. Its hope will rest principally in the belief that the powerful forces that have brought Mr. Milosevic to his knees will spare no effort to put the other fugitives in the dock and ask them to account for their actions. There cannot be a more appropriate authority to do this than the Republican administration in the U.S., which has a rare opportunity to atone for many of the deeds of the Cold War years.

The atrocities that Mr. Milosevic and his army committed against non-Serbs have been more than adequately catalogued in The Hague where the International Court of Justice sentenced three of his commanders to long imprisonments in the first instance where rape was upheld as a war crime. The trial of the three men, made possible by the bravery of their rape victims to tell it all in court, was itself a historic moment for the war crimes tribunal. The leader of that fascist group, Mr. Milosevic inspired and led the attempt to ethnically cleanse pockets of the Balkans of their Muslim population. His decade-long rule will go down as one of the darkest periods of the last century. It is of little conse-

quence to the rest of the world whether the Serbian authorities prosecute Mr. Milosevic on domestic criminal charges or hand him over to the war crimes tribunal at The Hague. Though admittedly the war crimes charges are far more serious, the authorities in Belgrade must obviously weigh the dangers of provoking a nationalist backlash at home by handing Mr. Milosevic over to The Hague court and instantly turning him into a martyr. The manner in which he was forced to surrender should serve to send the signal to all lurking latter-day Hitlers that the international community will give them no quarter. It is a powerful message, and it has not come a day too soon, considering how so many old dictators have escaped the grasp of justice in the past few decades.

The Milosevic arrest must certainly help to counter the general impression that international and domestic law have failed to bring the former despots to book. Many of these men who flourished as willing ideological tools during the Cold War years have used the health card to escape justice. Gen. Pinochet, who overthrew a democratically elected government with the active support of Washington in the Seventies, pleaded failing health but failed. On the other side of the globe, in Indonesia, Gen. Suharto has sought refuge in a medical certificate that declared him brain-damaged. The Generals, who had both survived for long years under American auspices, have been indicted. There are other despots around the world who have not been called to account, including the hated Idi Amin who is living a life of leisure in Saudi Arabia and Gen. Mengistu of Ethiopia who has found a haven in Zimbabwe. These tyrants and the other lesser known ones enjoying the loot, must begin to dread the day when the international criminal court gets active, presuming there are enough number of countries to force its creation.

THE HINDU

3 APR 2001

---

# Unesco starts efforts to save Afghan statues

Islamabad, March 3

UNESCO SPECIAL envoy Pierre Lafrance met the Taliban ambassador here today in a bid to persuade the Islamic militia to stop the destruction of ancient statues, French officials said.

Lafrance told ambassador Abdul Salam Zaeef of the world's strong opposition and presented a message from Unesco director general Koichiro Matsuura, according to a report from Afghan Islamic Press.

The Taliban said on Thursday that it had begun destroying all

statues across the country — including two huge Buddhas dating back to between the second and fifth centuries AD — to prevent idolatry.

Cries of condemnation have come from every corner of the globe but so far the Taliban, who are recognised by only three countries, have not backed down and officials in Kabul today said the "work" was continuing. Today Lafrance is expected to leave for Kandahar for talks with Taliban chief Mulla Mohammad Omar.

AIP quoted the ambassador as saying foreign minister Wakil Ahmed Mutawakel was available

to meet Lafrance but so far nothing had been arranged with Omar.

"We've told him this is an Islamic decree, that is why we have given orders for the destruction of the statues," Zaeef said.

In Kabul, Taliban minister of information and culture Mawlawi Qudratullah Jamal said the statues would be totally destroyed within four days.

"The process is being carried out both by gunpowder and spades and hammers," Jamal said. He said apart from Pakistan, Saudi Arabia and the UAE, the rest of the world had no right to complain.

---

THE HINDUSTAN TIMES

• 4 MAR 2001



# Bamiyan Buddhas vandalised as world looks on in horror

By Mohammad Bashir

KABUL: Ancient Buddha statues in Afghanistan's central Bamiyan province have come under a barrage of rocket and tank shells from the ruling Taliban militia, official and opposition sources said on Friday.

They said Taliban fighters were attacking the two giant stone Buddhas, estimated to have been built between the second and fifth centuries AD, with rockets, tank shells and even automatic rifles.

"They have started attacking the Buddhas with guns and tank shells—with whatever arms they are carrying," a militia source said, declining to be named. "People are firing at them out of sentiment."

Fanatical Taliban soldiers on Thursday started destroying all statues throughout the country in compliance with a decree on Monday by their supreme leader, Mulla Mohammad Omar. Omar said the decision was in line with a *fatwa* from local Islamic clerics, designed to prevent the worshipping of "false idols".

Minister of information and culture Qudratullah Jamal said that the historic statues at the Kabul museum and elsewhere in the provinces of Ghazni, Herat, Jalalabad and Kandahar were also being destroyed.

Explosives had been brought into Bamiyan to destroy the two statues from the surrounding areas where heavy fighting had taken place recently, the Afghan Islamic Press reported.

A storm of protest from the international community has failed to stop the militia from destroying the two Bamiyan Buddhas which stand 50 metres and 34.5 metres tall.

Carved into a sandstone mountain near the provincial capital, the taller figure is the largest standing Buddha in the world. They have been off limits to journalists since fighting broke out in Bamiyan province last month and, now, the Taliban has barred

even local residents from going to the area.

The Dalai Lama, the temporal and religious head of the Tibetans, on Friday said that he was deeply concerned about the developments. Even though the destruction of the statues may be for religious reasons, he said they were of historical importance not only for the people of Afghanistan but for the world at large. "Finally, as a Buddhist, I feel it is unfortunate that these objects of worship have been made targets of destruction," he added.

"I'm shocked to hear that it is happening," said

Brigitte Neubacher, coordinator of the Islamabad-based Society for the Preservation of Afghanistan's Cultural Heritage.

Appeals to spare the Afghan relics have come in from the U.S., France, Germany, Thailand, Japan, Sri Lanka, Iran, Pakistan, Germany, Russia, India, Malaysia, the European

Union, UN secretary-general Kofi Annan and many museums and Buddhist organisations.

UNESCO chief Koichiro Matsuura said on Thursday that he had convened an emergency meeting of members of the Organisation of the Islamic Conference to try to stop the destruction. "They are destroying statues that the entire world considers to be masterpieces," he said. "And this is being done in the name of interpreting a Muslim faith that is not recognised anywhere else in the world." He said on Friday that he had sent a special envoy to Afghanistan to persuade the Taliban authorities to stop the destruction.

Meanwhile, chief of the UN's special mission to Afghanistan Francesc Vendrell discussed the Taliban's edict with the militia's foreign minister Wakil Mohammad Muttawakil. "But he did not get any positive response," a UN spokesman said.

The Afghan embassy in Teheran released a statement castigating the Taliban's decision, the official IRNA news agency said.

## APOSTLES OF PEACE



Kofi Annan



Dalai Lama

THE TIMES OF INDIA

3 MAR 2001

3 MAR 2001

# World has failed to stop statue demolition: Unesco

Paris, March 13 (AFP): The international community acknowledged today that it has failed to stop the ruling Taliban militia in Afghanistan from destroying the ancient Buddha statues at Bamyan, with Unesco branding their demolition "a crime against culture."

It was the first time that the destruction of the statues had been independently confirmed, despite a concerted effort by Arab, Islamic and international players to spare them. "I was distressed to learn from my special envoy, Pierre Lafrance, that the destruction of the Bamyan Buddhas has been confirmed," the UN cultural body's chief Koichiro Matsuura said in a statement.

"It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people, and, indeed, of the whole of humanity," the statement said.

The Taliban had said the huge

figures, carved into sandstone cliffs in Bamyan city more than 1,500 years ago when Afghanistan was a seat of Buddhism, are "false idols" and must be destroyed in line with Islamic laws.

Yet there were no shortage of efforts to try reversing the Taliban's edict, including from many Muslim countries and Pakistan, the closest ally of the Taliban and one of only three countries which recognises its puritanical regime.

After talks over the weekend between Pakistan interior minister Moinuddin Haider and Taliban officials failed, Haider played for time "suggesting that since this edict has repercussions for the entire Muslim world, it should be discussed with the *ulema* (Islamic clerics) from outside Afghanistan."

UN secretary-general Kofi Annan today said that the world body will not coordinate any actions against the Taliban for the destruction of statues of Buddha

in Afghanistan. "The regime is already under sanctions and I am not thinking of any punitive actions," Annan told reporters before leaving Nepal for Bangladesh.

"The action they have taken is not going to win any friends and it was not in their interest to do what they did," Annan said. "One should respect what is sacred to others." People in Nepal, where the Buddha was born more than 2,500 years ago, have condemned the acts and have been holding regular protest rallies.

Annan arrived in Kathmandu yesterday, and met King Birendra, Prime Minister Girija Prasad Koirala and defence minister Mahesh Acharya today.

During the talks, Nepal offered additional soldiers for UN peacekeeping forces. Nepal has nearly 1,000 soldiers in Lebanon and East Timor and local soldiers will soon will be deployed in Sierra Leone.

THE TELEGRAPH

14 MAR 2001

## War crimes suspect surrenders

**BELGRADE:** Mr. Blagoje Simic, a senior Bosnian Serb civilian administrator, boarded a plane on Monday for the Netherlands to surrender to the war crimes tribunal in The Hague where he faces charges of atrocities against Croats and Muslims during the Bosnian war. Mr. Simic, the first Yugoslav citizen to turn himself into the U.N. court, said he was confident he would prove his innocence. His surrender comes as the United States has been stepping up pressure on Yugoslavia to cooperate with the tribunal or face a cutoff of aid. Mr. Simic, a trained physician, was the municipal leader of the town of Bosanski Samac that was overrun by Serb forces in April 1992. Of the 17,000 Croats and Muslims, or about half the town's population, fewer than 300 were



left at the end of the war in 1995. Control of the town was crucial for the Serb effort to build a corridor between Serbia and the Serbs in the Krajina district of Croatia and western Bosnia. Non-Serbs, especially professionals and civic leaders, were rounded up and herded into camps run by Serb police. Many were killed, tortured or sexually assaulted. The rest of the non-Serb population fled or was transferred to other villages, where they were forced into slave labour. — AP

THE HINDU

12 MAR 2001

---

# U.S., U.K. deny their ships intruded into Indian waters

By Seema Guha

NEW DELHI: Defence minister George Fernandes earlier this week told Parliament that India had lodged "a strong protest" to the U.S. and Britain over violation of India's exclusive economic zone by their naval ships. He was referring to U.S. and British naval vessels detected conducting oceanographic surveys in November and December last year.

However, inquiries with British and American officials indicate that they are unlikely to lose much sleep over the Indian protest. They maintain that their vessels were in no way violating international law. India claims territorial jurisdiction to 12 nautical miles off its coast and right to police an exclusive economic zone of 200 NM from the coast under the UN Convention on the Law of the Seas.

Last November, U.S. Navy's *Bowditch*, a survey vessel, was spotted 30 nautical miles east of Car Nicobar. The ship's crew when questioned said it was carrying out oceanographic survey. In December, the U.K. Royal Navy vessel *HMS Scott* was sighted by the Indian Navy between 90-190 nautical miles from Diu off India's western coast. The crew said it was carrying out

military survey and refused to give further information. Both the U.S. and the U.K. insist they have not broken international law by snooping in Indian waters. "It is a question of interpretation," a British high commission spokesman said.

"This is just one of the many issues where we agree to differ. But this incident will not affect the overall bilateral relations with either Britain or the U.S.," an Indian official explained. The U.S. and Britain, like India, have signed the United Nations Convention on the Laws of the Sea, though the U.S. is yet to ratify it. The U.S. insists its ship had not violated international law as it did not need permission from India.

"We believe that military vessels can conduct surveys for military purposes (on the high seas)," a U.S. official said, adding, "Please don't interpret this as a hostile statement." This is how we view the law, he said.

"The U.K. is clear there is no requirement under international law for prior notification or permission for such data gathering, unless the survey takes place in another country's territorial seas. The ship was not involved in marine science research, was not carrying out hydrograological survey," the British spokesman said.

---

THE TIMES OF INDIA

7 0 MAR 2004

7 0 MAR 2004

# Bamiyan Buddhas & international law

By V. S. Mani

ON FEBRUARY 26, 2001, Mullah Muhammad Omar issued a decree ordering destruction of all statues in Afghanistan, including the world famous Standing Buddhas of Bamiyan (an area only recently captured by the Taliban from its opponents in the ongoing civil war), and the Taliban militia started assaulting these statues by using whatever weapons they could lay their hands on — from tanks, to rockets, to mortars, to explosives. "All we are breaking are stones," a heartless Omar is reported to have remarked.

Soon after the Mullah's decree, there was a predictably deafening international outcry and the international community appealed to the Taliban regime to see reason. The Director-General of UNESCO, the inter-governmental organisation specifically mandated to protect world cultural heritage, expressed his "feelings of consternation and powerlessness" as reports of "irreversible damage that is being done to Afghanistan's exceptional cultural heritage" started pouring in.

Situated at an important junction on the ancient Silk Route, Afghanistan in general has come to acquire a unique composite cultural heritage reflecting a history underscored by a diversity of influences of Persia, Greece, Hinduism, Buddhism and Islam. However, many of the tangible treasures of this heritage, including the Bamiyan Buddhas, have suffered the onslaughts of conflicts and disasters. The priceless collections of historical treasures at the Kabul museum came under attack in 1995 and 1996 and were subjected to theft and vandalism. The Afghan people have been rightly proud of their cultural heritage. The fact that the Afghan rulers (including Timurides) respected and protected the cultural heritage of their land for the past 1,500 years speaks volumes about their patriotism, and cultural values.

Can a ruling regime in a country vandalise and destroy so wantonly the treasures of its cultural heritage? Are there international norms against such historically irresponsible and morally reprehensible conduct of a state?

The sovereignty of a state within its territory is no longer "exclusive and absolute". It is subject to international law. A state undertakes international obligations un-

*The principle of protection of cultural property is deeply embedded in international humanitarian law. The Taliban cannot escape a customary law obligation by saying that Afghanistan is not a party to the 1954 treaty.*

der treaties or under general international law. The totality of these obligations determines the permissibility or otherwise of a state action. The argument that the above cultural properties are situated within the territory of Afghanistan and belong to the state of Afghanistan is not good enough for the Taliban to escape international legal accountability. The Taliban must show that its conduct is not inconsistent with any applicable international obligations to which Afghanistan, like any other country, is subject.

There are at least three categories of international obligations, which Afghanistan must respect in this regard. They relate to (a) international humanitarian law applicable in international armed conflicts (the Afghan situation has not been an 'internal' armed conflict, pure and simple, as it has had foreign participants); (b) obligations specifically relating to protection of cultural property; and (c) obligations emanating from international human rights law.

International humanitarian law, perhaps a forerunner of the contemporary human rights law, has always sought to 'humanise' warfare by endeavouring to strike a balance between the principles of humanity and the requirements of military necessity, although the balancing act has often been left to the commander in the field to implement. Article 27 of the Hague Regulations on the Laws and Customs of War, 1907 (following a similar provision in their 1899 version), clearly obligates a party to an armed conflict to take "all necessary steps... to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments... provided they are not being used at the time for military purposes." It is this time-honoured provision that paved the way for the eventual adoption, at the initiative of UNESCO, of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in 1954. All that the 1954 convention does is

to elaborate the 1899-1907 Hague principle of protection of cultural property. Thus the principle of protection of cultural property is deeply embedded in international humanitarian law, regardless of whether a state is a party to the 1954 treaty. The Taliban cannot escape a customary law obligation by saying that Afghanistan is not a party to the 1954 treaty. Afghanistan's non-party status has relevance only with regard to the role of UNESCO in procedural implementation of the treaty.

The general treaty law relating to cultural property is embodied in the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, to which Afghanistan became a party in 1979. The purpose of this treaty was to recognise that all countries have an obligation to protect the "cultural and natural heritage of outstanding universal value" and that to that end there was a need to evolve a cooperative international framework to make resources available to countries where the property is situated. The treaty defines "cultural heritage" in terms of "monuments", "groups of buildings," or "sites". Cultural heritage "monuments" would encompass "architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave-dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science". (Article 1: similar definitions follow in the same provision on "groups of buildings," and "sites"). Article 4 of the treaty imposes on each state party "the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage... situated on its territory".

While it is the primary duty of each state party in whose territory the heritage is situated, the treaty also recognises "the duty of the international community as a

whole", to cooperate and assist the former if called upon (Article 6). Thus, India was merely seeking to perform its part of the duty under the treaty, when it offered to take over the Afghan heritage treasures and bring them to India, an offer that the Taliban rejected outright. Afghanistan has already been a recipient of international assistance in this regard.

Obligations emanating from the international human rights law are as varied as the right to culture, the right and duty to tolerance, and the right of the future generations to enjoy the cultural heritage of the past. Article 27 of the Universal Declaration of Human Rights, 1948, and Article 15 of the International Covenant of the Economic, Social and Cultural Rights, 1966, provides for a right to culture which a state must ensure to all its nationals. Article 27 of the International Covenant on the Civil and Political Rights requires states to ensure the enjoyment by minorities of their right to culture. The UNESCO Declaration on the Responsibilities of the Present Generations towards Future Generations, 1997, expects the present generations to "take care to preserve the cultural diversity of humankind. The present generations have a responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heritage to future generations" (Article 7). The UNESCO Declaration on Tolerance, 1995, describes the duty to tolerance "not only a moral duty, it is also a political and legal requirement" (and defines 'tolerance' as "respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human").

How does one enforce the law against the Taliban? Here is a case of a nearly decade-long armed conflict with a mix of terrorism, both domestic and international, and international arms and drug trafficking. I, for one, would not be averse to any coercive action by the Security Council based on its assessment of the situation vide Article 39 of the U.N. Charter, provided, of course, it is all based on international consensus. I emphasize on the need for consensus, for that is perhaps the only way a U.N. action can be legitimised.

(The writer teaches International Law at the Jawaharlal Nehru University, New Delhi)

THE HINDU

36 MAR 2001

# Statues fall as Unesco's Buddha-mission fails

AGENCIES

KABUL, March 4. - Taliban soldiers today blasted the two Buddha statues in Bamiyan with anti-aircraft guns as a special Unesco envoy failed to persuade the militia to stop the demolition of the nation's pre-Islamic cultural heritage.

The first eyewitness account from the area today said other statues too were being demolished with rockets, tanks and explosives. Residents of central Bamiyan said Taliban soldiers began attacking the statues at least three days ago.

"I could see the Taliban soldiers firing anti-air-

craft weapons at the two statues. That was three days ago," said Safdar Ali, a resident.

The Taliban have ignored an outraged world's pleas to stop the destruction.

"We are not against culture, but we don't believe in these things. They are against Islam," the Taliban's foreign minister, Mr WA Muttawakil, told AP over the phone from southern Kandahar - the Taliban headquarters.

Mr Muttawakil said he had detailed talks with Mr Pierre Lafrance, Unesco envoy, in Kandahar but didn't see any reason to stop the destruction.

Yesterday, Mr Lafrance met the Taliban's ambassador to Pakistan, Mr Abdul Salam Zaeef,

who had said the destruction had not begun.

Mr Quadratullah Jamal, Taliban's information and culture minister, had said yesterday that troops had destroyed two-thirds of all the statues, including those in Bamiyan "His information is accurate," said Mr Muttawakil.

By tomorrow - exactly a week after Taliban's reclusive leader, Mullah Mohammed Omar, ordered all statues destroyed - the task will be complete, Mr Jamal said.

The destruction began after Mullah Omar ruled that they were idolatrous and against the tenets of Islam. Others argue that Islam does not ban images, only their worshipping.

Mr Muttawakil rejected offers from several countries as well as the Metropolitan Museum of Art, New York to hand them over the statues. "Why should we give them to anyone? They are against our beliefs. We have museums here and we will keep our cultural and historical artefacts there," he said.

Mr Muttawakil said Mr Lafrance handed him over a message from the Unesco chief, Mr Koichiro Matsuura, demanding a halt to the destruction.

"Words fail me to describe my feelings of consternation...as I see the reports of the irreversible damage," Mr Matsuura had said last week.

90/1000 51-5 5/3

■ Editorial: Vulgarity in extremism, page 8

■ More reports, photograph on pages 5 & 6

trous and against the tenets of Islam. Others argue that Islam does not ban images, only their worshipping.

Mr Muttawakil rejected offers from several countries as well as the Metropolitan Museum of Art, New York to hand them over the statues. "Why should we give them to anyone? They are against our beliefs. We have museums here and we will keep our cultural and historical artefacts there," he said.

Mr Muttawakil said Mr Lafrance handed him over a message from the Unesco chief, Mr Koichiro Matsuura, demanding a halt to the destruction.

"Words fail me to describe my feelings of consternation...as I see the reports of the irreversible damage," Mr Matsuura had said last week.

THE STATESMAN

- 5 MAR 2001

# Atal opens floodgates of outrage against Taliban

FROM GAJINDER SINGH  
AND AGENCIES

**March 4:** Atal Bihari Vajpayee today lent his voice to the chorus of global condemnation against the Taliban, saying the decree to smash the soaring Buddha statues was "uncouth" and deserving of contempt.

"This is not civilised culture. It is uncouth. The Taliban order deserves to be treated with contempt," the Prime Minister said.

"Even Muslim nations have voiced their apprehensions against the Taliban's decision. From their act, the Taliban do not seem to be Muslim," he added, dubbing the destruction plan "senseless" and "an insult to all religions".

Vajpayee, who had earlier written to world leaders to raise their "collective voice of humanity" against the demolition, chose for his sharp reaction a ceremony to dedicate the Ranjit Sagar dam in

Punjab to the nation.

"It is named after Maharaja Ranjit Singh who had conquered both Tibet and Afghanistan. He had got Indians settled in both countries. I hope the time comes when those who have been displaced from the two countries are rehabilitated again," he said.

In line with Vajpayee's appeal, leading industrial nations expressed dismay at the Taliban plan. "We strongly urge the Taliban leadership not to implement this deeply tragic decision," the Group of Eight said.

But the fate of the statues remained unclear as conflicting reports streamed in from Kabul on whether their destruction had started or if the Taliban would reverse their decree.

"We have not begun destroying them yet, but we have prepared for it and that can take place any time," a Taliban source said. But other officials said the piece-by-

piece demolition was underway.

There was no immediate way of confirming the fate of the statues because Bamiyan is about two days' drive from Kabul and the Taliban were not allowing observers to go there.

However, a Pakistan-based news agency quoted Taliban foreign minister W.A. Muttawakil as telling Unesco envoy Pierre Lafrance that the decision was unlikely to be reversed. "This is an issue of Shariat and a religious decree. To change that is beyond anyone's power," Muttawakil said.

The Taliban have been saying that the destruction was part of their effort to create the world's purest Muslim state.

Vajpayee said today "we can only generate opinion against them (the Taliban)". But in Delhi, the Bajrang Dal, a hardline wing of the Sangh parivar, warned the Taliban of a "severe reaction". It, however, did not elaborate.

THE TELEGRAPH

5 MAR 2001



# Rape a war crime, rules Hague Tribunal

By Vaiju Naravane

PARIS, FEB. 23. Sexual slavery and rape committed in Bosnia have for the first time been recognised as crimes against humanity by the International War Crimes Tribunal at The Hague.

In a historic verdict, three former Bosnian Serb soldiers were convicted to a total of 60 years in prison for the torture and rape of Muslim women in the village of Foca during the war in Bosnia Herzegovina in 1992.

Handing down the guilty verdict of crimes against humanity which included rape and sexual enslavement, Zambian Judge Florence Mumba said the three soldiers Dragolub Kunarac, Radomir Kovac, and Zoran Vukovic used rape as an instrument to terrorise the population.

The convicted were "not the political masterminds" behind the conflict but equally, they "were not just following orders" but had exercised free will, she said.

"The three accused are not ordinary soldiers whose morals were merely loosened by the hardships of war .. they thrived in the dark atmosphere of the dehumanisation of those believed to be enemies," the judgment continued.

The youngest victim was a girl of 12 while another victim who was 15 at the time of the rape said she would live with the horror for the rest of her life.

In all 16 women gave graphic evidence of how Bosnian Serb soldiers picked out young girls for gang rape and torture.

Many of the women suffered long lasting gynaecological and psychological damage.

The judgment is significant, even historic, legal experts feel, since it clearly establishes rape as a war crime.

So far rape has not been included under the category of war crimes.

When proved to be used as an instrument of terror to wage war, rape has been classified as a crime against humanity.

The judgment has also expanded the definition of sexual slavery and brought it into the ambit of war crimes.

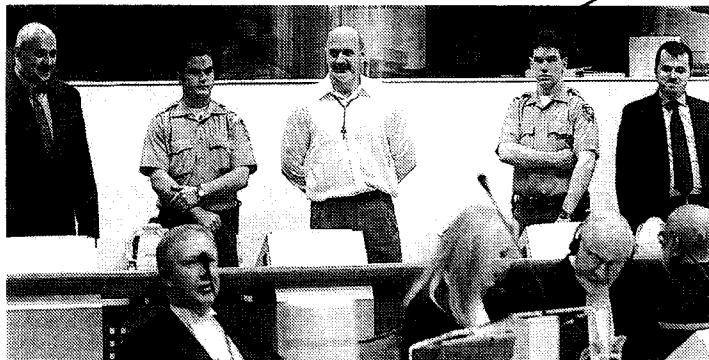
Japanese sexual enslavement of Korean women during the Second World War would now be considered a crime against humanity.

According to the charges, after Serb forces over ran the town of Foca, Muslim women were detained and humiliated, and were forced to submit to degrading living conditions.

They were brutally beaten and suffered sexual violence including rape and collective rape.

"This is the first case where sexual slavery has been condemned and recognised as a crime against humanity," said Dirk Ryneveld, from the prosecutor's office. Sentencing Justice Mumba said: "Lawless opportunists should expect no mercy, no matter how low their position in the chain of command may be."

Human rights organisations have welcomed the verdicts saying they will encourage other women to come forward and give evidence .



(From left at rear, not wearing uniform) Hazim Delic, Zdravko Mucic and Esad Landzo appear in front of the War Crimes Tribunal at The Hague in the Netherlands recently. — AP

THE HINDU

24 FEB 2001

5-12  
1/2

# Lockerbie trial acquitted alleges pressure

ASSOCIATED PRESS

CAIRO, Feb. 3. — The Libyan, who was acquitted in the Lockerbie trial, alleged that he and his co-defendant were subjected to abnormal pressure during the proceedings.

Mr Lamem Khalifa Fhimah (44), who returned to Libya on Thursday, told Abu Dhabi Television by phone yesterday that he would later reveal what had happened to him and his co-defendant during the trial in a special Scottish court in the Netherlands, and only referred to it as "not normal".

The co-accused, Abdel Basset Ali Al-Megrahi (48), was convicted on Wednesday of planting the bomb that blew up a Pan Am airliner over Lockerbie in Scotland in 1988, which had claimed 270 lives. Al-megrahi was sentenced to life imprisonment with no prospect of parole for 20 years. He has 14 days to appeal.

"The coming days will prove his innocence," Mr Fhimah said and added that "he will be able to appeal because what was presented during the trial contained no evidence. They were only suspicions and lies by the american intelligence agency."

The Libyan leader, Mr Moammar Gadhafi, has said that he will produce evidence on Monday to prove the innocence of Al-Megrahi.

The court had found that there was no conclusive evidence against Mr Fhimah, who was a manager for the Libyan Arab Airlines in Malta at the time of the mishap.

Mr Fhimah said the indictment, which was filed in Scotland 10 years ago, had left "a deep negative effect" on himself, Al-Megrahi and their families.

He will demand compensation from the US and Britain, Mr Fhimah said in a faxed transcript from Cairo.

THE STATESMAN

4 FEB 2001

# Fillip for global war crimes' court

**B**ILL Clinton sprang a surprise, but Ehud Barak sprang an even bigger one when, as the light was just about to be turned off at the year's end, both announced their governments were signing the treaty creating a permanent International Criminal Court. It had been the stand against the treaty by the world's super power and the state founded by victims of the worst crime against humanity that had done the most to undermine the court before its work began.

That China, India and assorted malcontents such as Libya and Iraq had not voted for the treaty in Rome at the founding diplomatic conference in 1998 was less significant. Hundred and twenty other nations had.

But the American and the Israeli vote against seemed to many to have stripped it, on the one hand, of a true global reach, and, on the other, of an unblemished moral purpose. This was to exaggerate — all the other NATO countries were behind it and the Israel of Binyamin Netanyahu was a pale shadow of the idealism of the founding fathers.

But their absence did cut a hole. Even though Mr Clinton's signature comes with no promise of ratification by Congress in the immediate future — "it will be dead on arrival" is the promise of Senator Jesse

Helms, the influential chairman of the Senate's Foreign Relations Committee — it will give a fillip to the pace of ratification by the 60 countries necessary to bring the court to active life.

Once that happens, it will be interesting to see if the number of future Pinochets, Saddam Husseins, Pol Pots and Milosevics start to decline. The court has no retroactive powers so it is only the world of the future that will concern it. So it will take about 10 years before we can get a proper reading on its effectiveness.

Even if in 2011 we find we live in a better world, there will be many other claimants for the progress made — the UN becoming more robust? Western nations coming to their senses and deciding to tightly control export of armaments and the import of illicit funds into their banks? Or simply, the rapid extension of democracy, already expanding with some impetus?

Yet the rapidity with which the idea of a court has moved forward since the end of the Cold War suggests there is a widespread and powerful urge not just to establish it but to make it work. The idea for a world criminal court first surfaced when the League of Nations in 1937 published a draft statute for a court to try international terrorists.

This helped lay the foundations for the Nuremberg and Tokyo war crimes tribunals that tried the war criminals of World War II. And they in turn inspired the passing of the 1948 Genocide Convention, which made a passing reference to the need for an "international penal tribunal". But the idea then lay dormant

for about 50 years.

At the end of the Cold War, President Mikhail Gorbachov of the Soviet Union brought the idea back to life when he suggested the need for an international criminal court as a measure against terrorism. In 1993, the UN Security Council decided to create the ad hoc tribunal for war crimes in rump Yugoslavia and the concept took wings again.

The UN General Assembly asked the International Law Commission to set to work, to create a statute for a full court, and the draft was delivered in 1994. The UN worked at breakneck speed to produce an agreed treaty in just 27 months. The UN and its member governments had Amnesty International, Human Rights Watch and, by the end, another 800 human rights-orientated organisations on their back. Never in the world's history has non-governmental activism been so effective or fruitful. The abiding irony of the exercise is that Mr Clinton, who has now given the court an almighty pack on the back, was the same person who gave the order in the final days of the deliberations in Rome, to vote

against the court's creation. It was also Mr Clinton who gave the UN the impetus two years' earlier to go ahead with the drafting of the statute. What changed was the Pentagon's

influence upon him. The Rome conference came at a time when he was in danger of being toppled by his sexual peccadilloes with Monica Lewinsky.

The Pentagon, neurotically fearful that the court would be used to harass and undermine it, seized its moment and lobbied successfully within the administration for an American vote against. Defence Secretary William Cohen was emboldened to threaten Germany and South Korea — two stalwart supporters of the treaty — with a US troop pull-out.

The fight left its scars — a treaty that is not as strong as it should have been if the majority had not tried to placate American concerns, only to have America vote against it anyway.

Arguing as if the USA is above international law, the USA managed to insert into the treaty wording that requires a state's consent before one of its nationals could be prosecuted. The court as it stands now can only override a state by a vote of the UN Security Council.

Ironically, this is more likely to favour Russia and China than the USA. It is they who have much more to hide. The hope is that a future, more cooperative relationship between the USA, Russia and China will avoid such stalemates.

In fact, that is not such a bad outcome and is perhaps the unavoidable way such an important international institution has to work. What still hangs in the air, however, is whether President-elect George Bush will decide to live with Mr Clinton's decision to sign or whether he will work to override it.

## WORLD VIEW

By JONATHAN POWER