



Press

Press Release

PROSECUTOR

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The Hague, 31 March 1999
CC/PIU/391-

Statement by the Prosecutor

Please find attached a copy of the statement by Justice Arbour, Prosecutor of the International Criminal Tribunal for the former Yugoslavia and Rwanda, made public at today's press briefing. Attached also find a copy of the letter sent to certain Serbian and FRY officials mentioned in her statement.

"In a Press Statement released last Friday, March 26, I announced that I had sent letters to certain Serbian and FRY officials, essentially reminding them of their obligations under international law and warning them of their accountability. The FRY Embassy here in The Hague received faxed copies last Friday, but refused on Monday to accept the originals of these letters. In light of that refusal, I believe that it is necessary that I make public the actual content of the letters that I sent, and the names of the persons to whom these letters were addressed. I can have no other assurance that my letters have actually reached them. The text of the letter and the list of recipients will therefore be available to you at the end of this press conference. I will simply point out that it includes, in addition to President Milosevic, Mr Milutinovic the President of the Republic of Serbia, the Minister of the Interior of the Federal Republic of Yugoslavia, the Chief of Staff of the Yugoslav Army, the Chief of the Special Forces of State Security of the Republic of Serbia, the Deputy Head of Security in Kosovo and others.

Our investigations into the most recent allegations of crimes within the jurisdiction of the Tribunal are progressing, through means that I am not prepared to make public. We must of course develop a proper evidentiary basis to confirm not only the commission of crimes but the identity of the perpetrators, as well as the basis for culpability of military and political commanders who have a duty to prevent and punish the commission of war crimes.

In recent days, the US, the UK and NATO have indicated publicly that they have evidence of the commission of crimes within our jurisdiction, including information about the perpetrators, and that they will share this information with my Office. I welcome these statements and I take these assurances seriously. I expect to be provided with this information on a continuous basis, not only from these sources but from all governments, international organisations, NGOs and private individuals who are committed to peace and justice, and the dispassionate pursuit of truth.

I have received requests from persons and groups urging me to indict various NATO and other officials for war crimes in relation to the air strikes conducted in Serbia. There is no doubt in my mind that the jurisdiction of the Tribunal over Kosovo is well known to all, and indeed has never been contested by anyone except the FRY. The Tribunal has jurisdiction over genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the laws and customs of war, which have been committed since 1991, or continue to be committed anywhere in the former Yugoslavia, by anyone.

I will review all information provided to me which may suggest the commission of crimes within the jurisdiction of ICTY. I will only disregard unsubstantiated conclusions and political diatribe.

I am conscious of the expectations of the international community that all efforts, indeed extraordinary efforts, will be made to prevent the commission of further atrocities in Kosovo. As you know, I have implemented a policy of requesting that confirmed indictments be issued under a non-disclosure order - what have become known as sealed or secret indictments - to increase the possibilities of successful arrests. In light of recent reports of his alleged involvement in Kosovo, I have decided to make public the existence of an indictment against Zeljko Raznjatovic, also known as Arkan. I have therefore obtained an order from a judge today that the warrant for his arrest be made public, and attempts are being made to serve the warrant on the FRY Embassy in The Hague. The order, however, does not apply to the indictment itself, which will remain a sealed document of the Tribunal until the accused is arrested.

This indictment, and the consequent arrest warrant against Arkan, was confirmed on 30 September 1997. It was not served on the FRY until now in light of the refusal of the Serb government to comply with its international obligations to execute arrest warrants issued by the Tribunal, despite the explicit call for compliance issued by the Security Council in that respect. I can only hope that in the present circumstances the FRY will see fit to comply with the dictates of the Security Council and will proceed immediately to the arrest of Arkan and to his transfer to The Hague.

If the public disclosure of this arrest warrant reduces somewhat the possibility of his arrest outside Yugoslavia, it will nevertheless serve to put on notice those who might be inclined to retain his services, or to obey his orders, that they too will be tainted by their association with an indicted war criminal."

Our ref: 99 26 March 1999

Sir,

As you will be aware, the failure of the Federal Republic of Yugoslavia to co-operate with my Office regarding the investigation of war crimes in Kosovo has been reported by the Tribunal's President to the Security Council of the United Nations. Not only have my investigators been denied access to Kosovo to conduct their own on-site investigations, the departure of the personnel of the OSCE Kosovo Verification Mission, has meant that the presence of independent observers has been severely curtailed.

In that context, and in the light of current reports of escalating violence in Kosovo, I am gravely concerned that serious violations of international humanitarian law continue to be committed. Lest you be in any doubt as to the relevant law, a copy of the salient portions of the text of Statute of the International Tribunal is attached for your information. The crimes over which the International Tribunal has jurisdiction are fully set out in Articles 2-5, and the responsibility of individuals, including persons in position of authority, is explained in Article 7.

It is my intention to investigate all serious violation of international humanitarian law that merit prosecution in the international forum, particularly those involving attacks on the civilian population. Meanwhile I believe that everything must be done to deter the commission of future crimes. I therefore look to you to exercise your authority over your subordinates; to exercise your leadership in order to prevent the commission of further crimes; and to take all necessary steps to punish any of your subordinates who commit serious violations of international humanitarian law in Kosovo.

Yours sincerely,

Louise Arbour
Prosecutor

His Excellency

Mr. Slobodan Milosevic
President
Belgrade
Federal Republic of Yugoslavia

1. Slobodan MILOSEVIC, President of the FRY
2. Mirko MARJANOVIC, Prime Minister of the Republic of Serbia
3. Milan MILUTINOVIC, President of the Republic of Serbia
4. Nikola SAINOVIC, Deputy Premier of the Federal Republic of Yugoslavia
5. Momir BULATOVIC, Prime Minister of the Federal Republic of Yugoslavia
6. Frenki SIMATOVIC, Chief, Special Forces of State Security, Republic of Serbia
7. Dragoljub OJDANIC, Colonel General, Chief of Staff of the Yugoslav Army (VJ)
8. Nebjosa PAVKOVIC, General, Commander of the Pristina Corps
9. Sreten LUKIC, General, Head of Police Operations in Kosovo
10. Lubinko CVETIC, Deputy Head of Security in Kosovo, Republic of Serbia
11. Radomir "Rade" MARKOVIC, Head of State Security, Assistant Interior Minister, Republic of Serbia
12. Zoran SOKOLOVIC, Minister of the Interior of the Federal Republic of Yugoslavia
13. Vljako STOJILKOVIC, Minister of Interior, Republic of Serbia

*****International Criminal Tribunal for the former YugoslaviaFor more information, please contact our Media Office in The Hague

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