

## Report from Bonn by Rainer Apel

### World tribunal on Serbian war crimes

*Germans across party lines are endorsing a reconvening of the Nuremberg Tribunal to try Serbian atrocities.*

**W**hat we need is psychological warfare against the regime in Belgrade, a broad information campaign that can break the media control in Serbia," a deputy of the German parliament told this author in mid-August, about potential responses in the West to the Balkans war.

"We should have U.N. aircraft drop leaflets upon all of Serbia, telling the population there what crimes of war their leaders are committing in Bosnia, and that they will be put on trial for that. I think in the West there is growing sentiment that the Belgrade regime must pay one day for the things they have done."

The parliamentarian, a member of the opposition Social Democrats, said such a campaign would help to drive a wedge between the population of Serbia and the regime. This alone might not put an end to the war, but might help to shorten it.

The fact that there have been protest and sporadic labor strikes against the Serbia's Slobodan Milosevic regime, should be used as an additional lever against Belgrade in the overall policy of western sanctions, the politician said. He criticized the fact that neither the U.N., the European Community, nor any government of the West has so far paid attention to that flank of possible western action against the Serbian regime.

He also proposed that the German government initiate the creation of an international information center to collect data on Serbian war crimes. This data could then be used in war crimes tribunals against the Belgrade

regime and its militia commanders in Bosnia and Croatia.

Similar proposals for a war crimes documentation center have come from spokesmen of other parties in Bonn. The idea of installing an international tribunal is gaining support across the party spectrum. Foreign Minister Klaus Kinkel has not only endorsed the idea of both the documentation center and a special tribunal, but ordered Prof. Christian Tomuschat, the German representative at the U.N. Human Rights Commission, to prepare a draft proposal.

All of these initiatives will, however, proceed within the bounds of U.N. diplomacy which has come under very strong attack from politicians, media, and experts on international law for its inaction against the Serbian war crimes and for its role in aiding Belgrade's policy of "ethnic cleansing" against the Bosnian people.

Within the German establishment, the strongest attack on the U.N. role in the Balkans has come from Prof. Ulrich Fastenrath, an expert in international law at the University of Cologne. In a commentary in the daily *Frankfurter Allgemeine Zeitung* on Aug. 12, Fastenrath criticized the U.N. arms embargo against the "states on the territory of former Yugoslavia" as an unbalanced intervention which worked to the disadvantage of the non-Serbian parties of the war.

The indiscriminate embargo mainly affects Bosnia, stripping Bosnians of their sovereign right to self-defense and preventing the Bosnian

government from fulfilling its mandate to secure the well-being of its own citizens. Since the respective U.N. resolutions failed to even mark Serbia as the aggressor, Serbian supremacy in armaments is enforced by U.N. intervention, and the Bosnian state and nation are made hostage to the Serbs.

This United Nations conduct is a grave breach of international law and an undue interference of the U.N. Security Council, Fastenrath wrote. He stated that controlled western arms supplies to the weaker side in the Balkans war (Bosnia and Croatia) would be in concordance with the law.

His verdict against the U.N., which appeared a few days after a widely read half-page from of the Schiller Institute calling for western action against Serbia was published in the *Frankfurter Allgemeine Zeitung*, is supported by other senior experts of international law. This includes Prof. Jochen A. Frowein of the University of Heidelberg and, highly important, Prof. Emeritus Friedrich A. von der Heydte, the leading voice for four decades in German legal sciences, as far as expertise based on the notion of natural law is concerned.

Bonn insiders are pointing to the timely coincidence of activities for the revival of hitherto inactive U.N. bodies, and the surfacing of broad and public critiques of the U.N. role in the Balkans conflict. The Bonn government has indeed come under attack for its unshakable loyalty to U.N. diplomacy.

The government and most of the parliament still believe that the shattered reputation of the U.N. can be restored, and that the documentation center and war crimes tribunal are key to achieve that. But increasing numbers of Germans, including members of parliament, want the atrocities stopped.