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GIOVANNI DI STEFANO

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Il.E. President S. Milosevic
H.E. President M. Milutinovic
Federal Republic of Yugoslavia
Belgrade
YU

Copy to: Prof. Mirjana Markovic, President JUL

15th June 1999

Il.E. President S. Milosevic
H.E. President M. Milutinovic

As Counsel at the ICTY to Mr Zelko Raznatovic I have over the past two years developed a professional relationship with the Prosecutors at the ICTY in The Hague and specifically with Louise Arbour and Graham Blewitt. I was aware two months ago that Ms Arbour was destined for the Canadian Supreme Court and that she would leave her position and up to one month prior to the indictments raised against both yourselves I was made aware that such would occur although I was not privy to the form of the indictments. I requested on no less than three occasions both verbally and in the written form urgent appointments prior to the indictments being raised against you in order to discuss the way ahead. I did not receive any formal response although of course I was aware of the tremendous pressure and strains placed upon you which prevented your placing your own personal positions as a priority to those of the citizens of the FRY. These are facets of the character in both of you that lead to my total loyalty to your leadership, which unfortunately is not highlighted by the media.

I have had the opportunity at examining closely the indictments against both Presidents and the three other accused and the "other factors" effecting the future policies of the Government of the FRY. I had indicated to yourselves in the written form in May the 21st Council of Ministers Meeting Decisions in Brussels excluding the participation of Yugoslavia at any conferences with regard to the reconstruction of the area. I had discussed this also with Ambassador Cicanovic in Brussels and how best to deal with this matter. I am of

the view, and so stated publicly yesterday to ANSA, REUTERS, and AP that Yugoslavia should not exclude any private investment initiative for the reconstruction of Yugoslavia regardless of their race, colour, creed or nationality.

As a citizen of the FRY and a leading businessman in Yugoslavia I will be holding various "Investment in Yugoslavia Summits" throughout the European Capitals explaining the advantages of working with the FRY Government in projects for reconstruction. I would be obliged for the assistance on this to the various diverse ministries within the government in order that they can assist in the presentation of what is required and in what form. These summits will be for the benefit of the FRY and its citizens and I believe such can achieve a positive response. A final culmanative conference should be held in Belgrade to complete matters and make the necessary announcements. I have suggested such because at the various Council of Ministers Meetings in Brussels it has been made clear that so long as the Presidency and Government of the FRY remains under the control of yourselves, there will be no EU/US aid forthcoming. That being the case we must look for private investment because as I have stated to all and sundry the Government of the Federal Republic of Yugoslavia is elected by popular consensus of the electorate and cannot simply be negotiated away in return for financial aid.

I return to the issues of the indictments against five members of the Government including yourselves. As I have been informed further indictments are also due but that the announcements publicly would not be forthcoming until such time as the new prosecutor is announced. Since the appointment of the Chief Prosecutor is an appointment by the United Nations Security Council, this must include the consensus of all Security Council Members including of course Russia and China.

On a professional basis the indictments against both Presidents including 340 individual counts of murder is frankly absurd. I have shown the indictments to no less than four prosecutors, one from the US, one from the UK, one from Italy, and one from Australia and they have all expressed concern at the language of the indictments which lead to political judgements rather than judicial consequences.

However, these indictments must be taken very seriously. As you may have noticed judicial comments against Mr Raznatovic have almost disappeared since as his counsel I took a very aggressive although cooperative steps at the ICTY. As a result a considerable amount of information has been obtained from the ICTY which would not normally be available simply because of the professional approach taken coupled with political positions. This kind of cooperation would have not been made available to other counsel at the ICTY because the role of defense counsel has been simply judicial. Indictments raised against Mr Raznatovic and their findings together with indictments raised against yourselves are quasi political.

I am thus requesting again an urgent meeting on the question of the indictments together with the Minister for Justice for both the FRY and Serbia who should be officially and immediately registered at the ICTY Registrars Office as Counsel

for the two Presidents and an immediate assignation of Co Counsel. Unless such steps are taken and the indictments attacked judicially by means of various applications to the Single Judge at the ICTY then there will always remain a "in limbo" situation with the status of the Presidents and the country.

It is hardly correct that after many years of service to the nation both Presidents should become "indicted persons" and labeled "fugitives from justice." I believe that with the appropriate approach to the ICTY both judicially and politically with both working together under the command of one defender, the indictments against both Presidents could be withdrawn by means of a legal challenge by Counsel defending both Presidents.

I can also categorically state that such an approach would not necessarily be received unwelcomed both politically and judicially. Politically the Ministers from the EU and the US are not so happy about the indictments raised by Ms Arbour. I had written to you in May stating that on Louise last trip to Washington she had told Ms Allbright that unless she was allowed to indict at least President Milosevic she would resign her office immediately. An agreement was reached with the Canadian Prime Minister to allow Louise to indict whomsoever she wanted and then to be appointed to the Supreme Court thus PAVING THE WAY FOR THE INDICTMENTS TO BE WITHDRAWN by means of legal challenges. It was a compromise that was accepted by all. If you consider the statement made by Ms Arbour on the 11th June 1999 at the ICTY formally announcing her resignation effective September 15th 1999 you will see there is a marked absence of any mention of either President Milosevic, President Milutinovic or Mr Raznatovic.

The stage is thus set for events to evolve and these indictments must be taken seriously or appear to be taken seriously in order that formally information can be gathered by the Defense Counsel Assigned, namely the two Ministers of Justice with Co Counsel, and then for the legal challenge to be mounted on the same day that the appointment of the new Prosecutor is announced.

I am again requesting an immediate appointment with you on these matters together and in the presence of both Ministers of Justice in order that a common strategy should be developed and the manner in which the media must be informed.

I am currently in Monaco at the Hotel De Paris until Friday from which I will be at our Party Office in Brussels and back in Rome on Monday. As these matters are indeed urgent I would welcome a response or contact either through my Belgrade Office 647 494 or by mobile phone contact.

Thanking you for your understanding on these vital matters and assuring you of my unreserved loyalty.

Yours very truly

Giovanni Di Stefano

C/c Ambassador N Cicanovic