

PUBLIC PETITION

Freedom for Dragoljub Milanović!

To the President of the Republic of Serbia

To the Prime Minister of the Republic of Serbia

To International and Serbian authorities concerned

To human rights organizations

At 2.06 a.m., in the night between April 22nd and 23rd 1999, NATO planes fired a heavily loaded missile at the building of Radio-Television Serbia located at 1, Aberdareva street. The explosion killed 16 RTS workers and caused enormous damage.

Even though this was clearly the case of a war crime against the civilian population, even though it is well known, bearing in mind the NATO command system, who ordered this attack, and even though it can be easily learned who were the ones committing this crime, not one of them was held accountable for this monstrous act. Criminal proceedings launched in the Federal Republic of Yugoslavia against the NATO leaders, among other things also with regard to this crime, were terminated, the International Tribunal for Former Yugoslavia in the Hague found that there were no grounds for actions against the responsible persons with the NATO, and the European Court of Human Rights found it had no jurisdiction to deal with breaching of the RTS workers' right to life.

The only person ever convicted for this crime is the then head of the institution that was the target of these air strikes, the RTS General Manager Dragoljub Milanović, a man who by some odd chance escaped the fate of sixteen of his employees. Thus to this heinous crime another crime was added, and shamelessness soared to its peak.

In 2002 Dragoljub Milanović was sentenced to 10 years' imprisonment for a criminal offence "grave offence against public safety" under Article 194, paras. 1 and 2 of the then applicable Criminal Code of the Republic of Serbia. Such criminal offence, as was defined in the Criminal Code, could not have applied to Dragoljub Milanović even if the factual statements made against him had been true, which they were not.

In these shameless proceedings, the key evidence for the assumed guilt of Dragoljub Milanović was the alleged "Order 37" issued by the Government, represented as state and military secret that Milanović allegedly refused to activate and move the employees to a reserve operation spot in Košutnjak, on the outskirts of Belgrade. However, such an order was not presented during the trial as a document, signed, stamped, registered and filed, but it seems that the text of that "order" was printed from some computer, bearing no signature or stamp, the text for which it not known who wrote it, when and to what purpose.

According to the "testimony" of Slobodan Perišić, the then RTS assistant general manager, who, back in early April 1998, had been assigned by Milanović all the

powers related to defence and protection, along with the authority to sign documents, the original copy of that notorious order was burnt on October 5, 2000, along with his bag. Anyone with the slightest knowledge of administration matters is fully aware that not a single document, even if not of such importance, is never made just in one copy, but that the signed and stamped original copies of such a document would have to be kept also in the files of the authority proposing the adoption thereof, the authority adopting it, and the organisation it referred to. The last place where such a document, and at that its only original copy, could have been allowed to sit, a year and a half after the adoption, was Slobodan Perišić's bag.

Therefore, the court sentenced Dragoljub Milanović to ten years imprisonment based on the piece of paper, printed probably from some computer, a paper that was not signed, stamped or filed!

But even so, that piece of paper, the so-called "Order 37", contains point 6, granting the General Manager the right to approve its cancellation, in other words, the right not to execute this order.

In addition to all this it should be taken into account that the Radio-Television of Serbia building is a civilian structure, that international humanitarian law prohibits military attacks against such type of facilities, that such attacks are a war crime, and that no one can be blamed for not foreseeing that somebody else will commit an illegal act, especially an act of such gravity such as a war crime. Otherwise the responsibility for one's unlawful conduct transfers to the one who assumed and believed that law is to be upheld, which results in a negation of law. In Dragoljub Milanović's case an inversion just like that was performed, which undermines the very essence of law and justice.

Furthermore, both before and after the beginning of NATO air strikes, the RTS building in Aberdareva was the venue for rendering technical services to numerous journalist teams from various countries, including the NATO member states, which meant that they used to spend considerable amounts of time in that location. It even so happened that the then minister for mass media in the Republic of Serbia Government, Aleksandar Vučić, was invited to make a live appearance on a famous TV show "Larry King Live" at the US TV station CNN (unlike the "Order 37", this is supported by clear material evidence, a telegram sent to Vučić by CNN). The minister's mother, Angelina Vučić, RTS journalist, was in the building in Aberdareva at the time of the strike, and by chance survived it, unlike her colleagues. Even Dragoljub Milanović himself, from the very beginning of bombing campaign, was in the building in Aberdareva every day, working until the small hours of the night. In the night of the hit, Milanović left the building a dozen or so minutes before the attack. Therefore it is obvious that no one, including Dragoljub Milanović, thought that NATO could in such a manner make such a drastic breach of humanitarian law, and with a highly destructive missile target the RTS building, clearly a civilian facility in the very centre of Belgrade, where a large group of civilians were present at the time.

The courts involved in actions against Dragoljub Milanović ignored all these clear-cut facts, admitting an invalid, actually a non-existent piece of evidence, and by wrongly applying law, i.e. a Criminal Code article applicable to completely different situations, issued the condemning judgement.

A particularly alarming fact is that even the parents and family members of some of the killed RTS workers became victims to cunning manipulation, and in grief and despair over the loss of their loved ones accepted the claim that their deaths were the

fault of the RTS manager and Serbian Government, and not the ones ordering the missiles to be fired at the building in Aberdareva and the ones executing that order.

Dragoljub Milanović started serving his prison sentence on April 1, 2003.

Since the conditions for his conditional release from imprisonment have been met, in line with Article 46 of the applicable Criminal Code of the Republic of Serbia, Dragoljub Milanović applied to the court asking for parole. To this very day no answer was given with regard to this application. *(note: Shortly after the draft of this petition, on 27th of September 2010, the Higher Court in Belgrade denied the request for premature release!)*

On account of all that was said above, we hereby request the following:

We are asking for justice for Dragoljub Milanović! We demand his immediate release from prison!

We are asking that those who ordered and executed the crime committed on April 23, 1999 by bombing the Radio-Television of Serbia building in Belgrade be held accountable! Only then will justice be served for victims of that crime!

We are asking for the withdrawal of the monstrous message sent to all the criminals in the world by trying and convicting Dragoljub Milanović: kill freely, and your crimes will be attributed to the ones who are the very victims of your crimes!

September 2010

Signed

Dr. Patrick Barriot, Colonel (CR), toxicologist, Faculty of Medicine, Montpellier, France

Peter Handke, Chaville, Frankreich