

End of the line for Milosevic

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Chicago Tribune

PRISTINA, Yugoslavia - In March 1991, Slobodan Milosevic ordered tanks into the center of Belgrade to crush massive demonstrations against his rule.

In the winter of 1996-97, when protestors again took to the streets, this time for 88 straight days, he hunkered down and outlasted them.

Two years later, following 78 days of NATO air strikes and a humiliating retreat from Kosovo, the betting was that he wouldn't make it through the winter. But Milosevic circled the wagons and hung tough.

He has a knack for outliving his political obituaries.

This time, however, it feels different. Even by the highly suspect figures offered by his own electoral commission, showing him coming in second in last Sunday's election, Milosevic is a beaten man. His supporters seem dazed and confused. The opposition is energized. Their followers are once again ready to go into the streets.

"It seems like the psychological divide has been crossed. They aren't afraid of him anymore," said Louis Sell, a former U.S. diplomat in the

region who now heads the International Crisis Group's office in Kosovo.

The next few days and weeks will be critical.

Does Milosevic still command the loyalty of the police and the army? How they behave toward opposition supporters who have now taken to the streets will provide an important clue, said Sell.

Sources within the opposition camp are saying that election returns from both the army and police ran heavily against Milosevic. If true, that's a devastating blow for the regime.

At last Wednesday's huge demonstration in the center of Belgrade, police kept a low profile. "My message to the army and police is that we are one," Vojislav Kostunica, putative winner of the presidential election, told the gathering.

Next to watch for are desertions from the ruling party. Those closest to Milosevic and his influential wife, Mira, will probably hang tight. Several of them have already been indicted by The Hague War Crimes Tribunal and, like Milosevic, have few options. But the opposition claims that defections from the lower ranks have already started.

Another key will be the way the state-controlled media reports the story. State television in particular has always been a powerful weapon in Milosevic's hands, but if it begins to waver in its slavish support of the regime, it would be a sign of power slipping from his grip.

For Milosevic, this crisis has arisen seemingly out of nowhere, the result of a major miscalculation in calling for early elections. He had expected an easy victory over a weak and divided opposition; he hoped the results would lend an aura of legitimacy and invincibility to the regime.

But the opposition united behind Kostunica, an obscure and untested constitutional lawyer who is quickly proving his mettle, and the electorate decided that it had had enough of Milosevic. The magnitude of the defeat has sent the ruling party reeling.

"They didn't have a plan for this. They were caught completely unawares," said a senior Western diplomat. "It says something about Milosevic's judgment that he is so out of touch with reality."

By denying Kostunica's first-round victory, and insisting on a run-off election next Sunday, Milosevic is playing for time. He appears to hoping he can split the opposition on

whether to participate in the second round, or buy them off with some minor role in the government.

Those tactics worked for him in 1997, but this time the opposition seems steadfast. Thus far they are united in their refusal to accept a second round.

"(Milosevic) doesn't have any options. He does not control the police. He does not control the army," said Milan Protic, a key opposition strategist. "He is down to bargaining and negotiations, but we are not ready to bargain anything."

It's a risky course. Polls indicate that the opposition would win by an even greater margin in the second round, but a boycott of the Oct. 8 ballot could allow Milosevic to claim victory by default. Also, by calling for street protests and a general strike, they give Milosevic a pretext for calling a state of emergency and canceling elections altogether.

On the other hand, if the opposition agrees to a second round, they are, in effect, being drawn into Milosevic's game -- letting him steal their first-round victory and giving him a chance to try to do it again in the second round.

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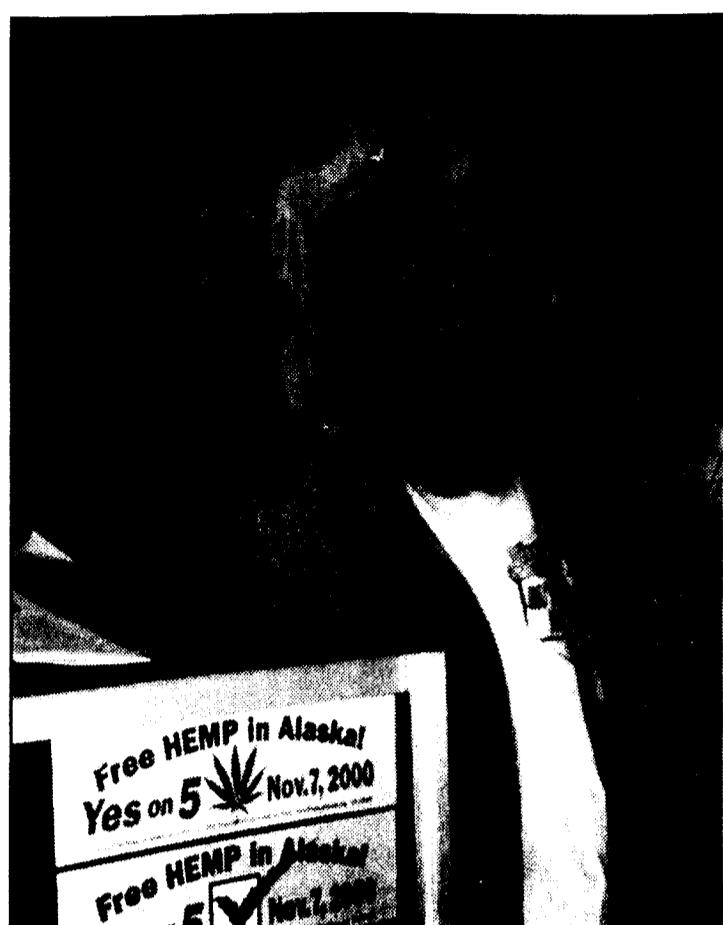


PHOTO BY CLIFF JETT/SEATTLE TIMES

Sil DeChellis, 62, is treasurer of the Free Hemp in Alaska campaign. The group is trying to get an initiative passed in the November election to legalize marijuana.

Human Rights law goes into effect in Britain

by Marjorie Miller
Los Angeles Times
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LONDON - Although soapbox orators have made Speaker's Corner a symbol of free speech for much of the world, their right to hold forth in Hyde Park is not explicitly guaranteed in British law.

Similarly, Britain has no equivalent of the Fifth Amendment right to remain silent. Prosecutors have been allowed to introduce illegally obtained evidence in British trials, and police entrapment is not accepted as a defense in court.

All of this will change, however, when the Labor government's Human Rights Act goes into effect Monday, incorporating a 50-year-old European convention on human rights into domestic law and giving Britain what amounts to a bill of rights.

This is a legal revolution for Britain, with far-reaching political implications, say attorneys, civil rights activists and judicial experts. Overnight, centuries-old British case law will be superseded by the new bill outlining the right to life, liberty, free speech and a fair trial, plus prohibitions against torture, slavery and discrimination.

"These are all the sort of rights that America got in its Bill of Rights in the 18th century," said Julian Knowles, an attorney with Matrix, a law firm specializing in human rights law.

"The idea that people can actually look up what their basic rights are is pretty revolutionary here," said Francesca Klug, a professor of human rights law at King's College, London. It is both substantive and symbolic, she said. "It could, in time, be something the country stands for beyond the empire, the queen and other historic things."

But critics say the change will weaken Britain's system of parliamentary democracy, shifting power from elected representatives to appointed judges.

Under the Human Rights Act, British courts still will not be able to strike down acts of Parliament in the way that the U.S. Supreme Court can throw out a law passed by Congress. But judges will gain the right to overturn government regulations and to tell Parliament when its laws violate European human rights law.

While that would not be binding on Parliament, most legal experts believe that such a ruling would force Westminster to make changes or risk being taken to court.

"There will be a marked shift in power, and I am opposed to that," said former Home Secretary Michael Howard, a Conservative member of Parliament. "You can get rid of us. You can't get rid of judges."

Many legal observers predict that a more activist role for judges will, in turn, raise pressure on the government to come up with a more open and independent system for seating men and women on the bench. Currently, judges are appointed by the crown on the advice of the Lord Chancellor - the head of the judiciary, who is appointed by the prime minister - and can only be removed because of misconduct or incapacity.

The incorporation of European human rights law is also likely to affect what might be called the country's legal culture - the way in which lawyers make their cases and judges form their decisions. British law schools have taught their students to focus on the letter of the law, but the European Court of Human Rights in Strasbourg, France, has ruled that the purpose or intent of a law also must be taken into account. This means British lawyers and judges should be more inclined to interpret the law.

Critics say the reforms will prove to be what one Scottish judge called "a field day for crackpots, a pain in the neck for judges and a gold mine for lawyers" - not an improvement in the country's legal system. They fear a deluge of lawsuits on behalf of prisoners, illegal immigrants and possibly even right-wing extremists claiming that their rights have been violated.

Government officials charge that this is scaremongering. Home Secretary Jack Straw noted that in Scotland, where the convention was partly incorporated in May 1999, cases brought under the human rights convention have largely failed. He said that in the first year, only 17 of the 587 cases brought were won by the claimant.

Critics also view the incorporation of European human rights law as a further erosion of British sovereignty. They see it as part of the undesirable process of subjugating the crown to the European Union.

But the human rights convention is not a product of European Union lawmakers in Brussels, Belgium. It was drafted in large part by Home Office officials after World War II, and many of its tenets, such as the right to a fair trial, come out of an Anglo-American tradition.

The convention was signed by Britain and all members of the Council of Europe - a larger body than the European Union - in 1950. The European Court of Human Rights, located in Strasbourg, has served as a high court for human rights complaints for decades. After running through the British court system, Britons could appeal to Strasbourg, and they often have, bringing about important policy changes back home.

The British government was forced to lift its ban on gays and les-

bians serving in the military after the court in Strasbourg ruled last year that it was illegal under the right to privacy and family life.

Caning was banned from all British state schools in 1986 as a result of a case two Scottish mothers took to Strasbourg. And in 1979, the court

ruled in a key press freedom case, overturning a British ban on the publication of an investigation by The Sunday Times newspaper on the terrible effects of the drug thalidomide on unborn children.

Many Britons felt that hearing such British cases in Strasbourg amounted

to airing the country's dirty laundry in public, and that if the government was going to be overruled it should be in domestic courts.

As a candidate for prime minister, Tony Blair argued for incorporating the European convention on moral grounds: Britain supported the rights

enshrined in the convention it had signed and so the rights should be embodied in domestic law. Soon after taking office in May 1997, his government passed the Human Rights Act now going into effect.

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