

Analysis: Hague Needs Extradition Clout

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The tribunal cannot afford to allow Zagreb and Belgrade to continue procrastinating over delivery of war crimes suspects.

Another year, another annual report and, through no fault of his own, tribunal president Claude Jorda has been forced to issue his oft-made complaint - that his court cannot function without extra help from the outside world.

The ninth annual report recently arrived at the UN Security Council with the Hague court facing a familiar problem: both Croatia and Yugoslavia are refusing to hand over indictees.

Croatia is hanging onto its former army commander, Janko Bobetko, wanted for war crimes in the attack on the Medak pocket in 1993.

Yugoslavia, meanwhile, is unwilling to deliver 11 suspects, including the current Serbian president, Milan Milutinovic.

The problem for The Hague is that it has no power to force nations to comply with its orders.

As Jorda made clear in the report, the power rests with the international community. Indictments and arrest warrants have been issued, but Croatia and Yugoslavia refuse to act on them. The only thing left is for the West to apply pressure.

This is the tribunal's recurring problem: every year or so, either the president or the chief prosecutor is forced to go on a tour of world capitals seeking support for sanctions of one kind or another.

These campaigns have often been successful. Former chief prosecutor Louise Arbor managed to persuade NATO to use its commandos to arrest suspects in 1997.

Four years later, her successor, Carla Del Ponte, got Washington to apply pressure on Belgrade. A threat to cut aid payments prompted Yugoslavia to arrest Milosevic and extradite him.

Croatia and Yugoslavia are desperate both for aid, loan guarantees and other forms of financial help. Threats to withhold would in all likelihood bring them into line.

At the same time, though, one should also take into consideration the fact that the record of Zagreb and Belgrade over cooperation has not been so bad.

Indeed, Croatia has made significant strides in this direction - significantly, releasing information to prosecutors. But the authorities have a genuine dilemma with Bobetko - a popular and influential figure whose extradition would enrage nationalists.

They have so far refused to hand him over, instead walking a diplomatic tightrope by mounting a legal challenge. The move is likely to fail, but it will at least buy time.

Yugoslavia has a similar problem - its new government is shaky and fears antagonising radicals, especially those in the armed forces who are thought to be protecting key suspects, including Ratko Mladic, wanted for the Srebrenica massacre.

Though The Hague is insisting on the immediate extradition of suspects, it may allow some "wiggle room" particularly with regard to Milutinovic: diplomats do not want him to quit his post before January, when he is due to leave it anyway, concerned that another election will inflame political tensions.

But a crunch is coming. The Hague cannot afford to accept Belgrade and Zagreb's claim that the political climate is not conducive for extraditions. As Del Ponte said in a recent report to the Security Council, the time is never right for such things.

In the end, the ball will be left in the Security Council's court. It will have to determine whether threats should be made, and how hard these threats should be.

To allow the Balkan states to hang on to their suspects will undermine the credibility of the tribunal. To impose penalties on Belgrade and Zagreb, however, would risk undermining two governments that have both shown a strong commitment to democracy and bridge building. The decision over what course of action to take is not an enviable one.

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Location: [Croatia](#)

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