

Analysis: Kostunica Riles Tribunal

Author: [Chris Stephen](#)

Yugoslav president's reported intention to block Hague extraditions infuriates tribunal officials.

The Hague had been looking forward to an early Christmas present – the jailing of Biljana Plavsic, the first of its Big Fish war crimes suspects – when Yugoslavia's president Vojislav Kostunica dropped his bombshell this week.

The London Times reported him on Monday as saying he will block any attempt to extradite suspects to The Hague.

Kostunica's office denies this, saying the quotes given to the paper make no mention of this. Rather, they say, Kostunica accused the tribunal of bias and said he doubted whether in future anyone will want to give themselves up.

The Times quoted him as saying, "I think The Hague tribunal is one-sided. Some people who have been indicted have been given guarantees. That is something that has not been respected and, after that, I say that no-one is going to appear before the tribunal voluntarily."

Another qualifier is that Kostunica, even if he wanted to, is in no position to block extraditions.

He has just seen a second Serbian presidential election declared invalid due to voter apathy, and will shortly be a president without a country when Yugoslavia dissolves early next year.

And even if he becomes Serbian president in a future election, he would need the support of the Yugoslav parliament to pass a law blocking extradition.

In Serbia, Kostunica's reported remarks were deemed irresponsible and potentially ruinous for the country.

Professor of the international law Vojin Dimitrijevic said Kostunica was in effect contradicting himself. "The president supports the law and claims that no one is above it, [so] he cannot stop extraditions," he said.

Vladan Batic, Serbian minister of justice, told journalists that the republic's government is "aware of its international obligations as well as of The Hague tribunal's faults. However, it is also aware that failure to cooperate could be more tragic for Serbia and its citizens."

At the tribunal itself, Kostunica's apparent comments went down like a lead Zeppelin. "If these quotes are accurate, and accurately reported, this position is unfortunate to say the least," said tribunal spokesman Jim Landale.

Kostunica appears to be angry because several suspects have given themselves up voluntarily to the court, only to find that at their bail hearing that they will await trial in jail.

This has happened despite the fact that Yugoslavia has given the court guarantees that if the suspect is granted pre-trial release it will ensure that he turns up for trial.

Sometimes, such guarantees have been accepted by judges, most notably in the case of Plavsic, who will arrive next week in The Hague to be sentenced after pleading guilty to crimes against humanity.

But Hague officials say the court can never give a guarantee itself: the only people who can give bail are the judges, and they can only make the decision once a suspect shows up in court – never in advance.

“The tribunal never guarantees and is not in a position to guarantee that if individuals surrender they will definitely be given provisional release,” Landale told IWPR. “No-one is in a position to give guarantees.”

Kostunica’s comments appear to come from a frustration that even a cast-iron guarantee by Yugoslavia is not enough to persuade Hague judges to give a suspect bail – even one who turns up of their own accord.

But what worries tribunal officials is where this leaves the question of Yugoslavia handing over suspects.

The UN Security Council is still considering a plea for action from Hague president Claude Jorda, made more than a month ago, after Belgrade refused to hand over eleven suspects, including Ratko Mladic, the man accused of masterminding the Srebrenica massacre in 1995.

And the court has similar problems with Croatia, which, despite losing an appeal hearing, is still refusing to hand over its former army commander, Janko Bobetko.

Kostunica has never been a friend of The Hague court, branding the extradition of Milosevic last year as illegal under Yugoslav law.

But this week’s comments show he is ice-cold towards it. In the Times interview, he accused chief prosecutor Carla Del Ponte of “bringing a sort of instability” to his country.

In one way, of course, he is right. Del Ponte’s demands on both Belgrade and Zagreb to hand over key indictees Bobetko and Mladic force both governments to make an ugly choice: either confront the nationalists who protect both men, or else risk seeing the Security Council slap financial sanctions on their already fragile economies.

Chris Stephen is IWPR bureau chief in The Hague

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