

Belgrade Rejects US Exemption Deal

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Serbia-Montenegro says no to US request for non-extradition arrangement.

Just days after Washington certified Serbian and Montenegro for a new round of aid money, government officials in Belgrade said that they will not agree to exempt Americans from prosecution before the International Criminal Court, ICC.

The announcement came as a surprise because only a few days ago, the United States ambassador to Serbia and Montenegro, William Montgomery, cautioned that if Belgrade did not sign a bilateral agreement granting the exemption, Washington would withhold the military aid it was planning to provide.

Interviewed by IWPR just before the July 1 deadline set by the US, Serbian prime minister Zoran Zivkovic said his country would not sign, and appeared to brush off Montgomery's threat. He said he hoped the US would understand that signing the bilateral agreement could destabilise the country and trigger a political crisis.

Several political analysts suggested that Belgrade felt free to reject the deal because Washington may have quietly signalled that it would not cut off military aid, as it has threatened to do to any country that refused to sign the agreement. They argued that Serbia and Montenegro had gained favour with the US for doing so much to cooperate with the Hague tribunal.

However, on July 1, the United States confirmed that Serbia and Montenegro would in fact be among the nearly 50 countries that could lose military aid.

The bilateral agreements are part of the American Service Members Protection Act of 2002, which demands that all countries who are party to the ICC agreement except for NATO's 19 members and nine other non-NATO allies agree not to extradite Americans to the court. If they do not sign up to this, they will be banned from receiving any US military aid. The deadline for signing the agreements was July 1.

Many of the successor states to Yugoslavia have said they find it hypocritical of the United States to demand that they hand over their citizens accused of war crimes to the Hague tribunal while at the same time agreeing never to extradite Americans. But perhaps more importantly, they have been reluctant to sign the agreements with Washington because they fear it might jeopardise their chances of accession to the European Union, which has been highly critical of the United States' actions.

Some 40 countries have signed bilateral agreements including Albania, Bosnia-Herzegovina, Bulgaria and Macedonia. However, aside from Serbia and Montenegro, both Croatia and Slovenia have declined to sign. And while Bosnia did sign an agreement, it said it might withdraw its signature if the EU demanded it as a precursor for membership.

International law experts in Serbia say it is hard to reconcile the American demand with the principles of universal human rights.

"How could Serbia - which still has difficulties getting its citizens to support cooperation with the Hague tribunal - easily agree to exempt other war crimes suspects from prosecution and international justice?" asked Mirko Tepavac, a member of the International Relations Forum.

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