

## **Cooperation With Belgrade "Deteriorating"**

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Del Ponte says Belgrade isn't serious about pursuing remaining fugitives.

Carla Del Ponte, the tribunal's chief prosecutor, says there has been a "deterioration" in cooperation between the authorities in Serbia and Montenegro and The Hague over the past few months.

In her six-monthly address to the UN Security Council in New York, the prosecutor said that Belgrade had "no serious, well-articulated action plan" to track down the six remaining Hague fugitives.

Del Ponte pointed the finger directly at the Army of Serbia and Montenegro, saying it "continues to hamper, both actively and passively" investigations by stalling on access to vital military documents.

She noted the "irony" that some army documents have emerged at the tribunal – brought by defence witnesses for former Yugoslav president Slobodan Milosevic. "From whom did they obtain them, if not from those who refuse to provide them to us?" she asked.

The prosecutor also took the opportunity to present her critique of the international community in relation to the continued failure to arrest two key suspects – Radovan Karadzic, war time leader of the Bosnian Serb entity, and Ratko Mladic, the head of the former Bosnian Serb army, who are both charged with genocide – which she described as "the major impediment to the success of our work".

Describing the situation over the last ten years as "playing cat-and-mouse" - with the international community as the cats who "chose to wear blindfolds", allowing the "mice to run from one hole to another" - Del Ponte harshly criticised the lack of coordination and information sharing between her office and various NATO states.

She described it as a "dysfunctional situation".

It was only after the fall of Milosevic in 2000, said Del Ponte, that the international community began to express the political will to track down the most senior fugitives, but even then there had been a lack of coordination, and even "unhelpful practices" by international forces, including NATO, working in Bosnia and Hercegovina.

Del Ponte said that Karadzic in particular "is taking full advantage" of the "unorganised way" the international community has been working.

For the future, the prosecutor made it clear that her main partners in the hunt for Karadzic and Mladic were the governments of Serbia and Montenegro and the relevant authorities in Bosnia. But she called on the international community to continue to provide the "political incentives" to encourage the local authorities to carry out the arrests.

She called for a new framework for coordination, saying in terms of prompt sharing of information, "the situation has begun to improve very recently".

The prosecutor contrasted the situation with that in Croatia, which had led to the recent successful arrest of top-level indictee general Ante Gotovina. She pointed to the combination of “political will and operational effectiveness” which had led to the arrest.

She praised the application of pressure from Brussels and Washington blocking Croatia’s bids to join the EU and NATO, which forced Zagreb to investigate Gotovina’s whereabouts seriously.

This could “serve us as a model”, said the prosecutor, referring to the small team of “highly motivated, highly professional individuals” under leadership of state prosecutor who worked with the strong backing of political leadership to track Gotovina down.

Out of six accused still at large, five, said Del Ponte, are within reach of Serb authorities.

One – former general Vlastimir Djordjevic – is at large in Russia, she alleged. He has been charged in relation to the events in Kosovo in 1999, alongside three other Serb generals, whose trial is due to begin mid 2006. The office of the prosecutor passed information in June to the Russian authorities, saying that he was residing in Rostov on the Don. But no trace of him was found.

Del Ponte also criticised the UN authorities in Kosovo for their way of providing documents to her office and said their cooperation in protection of witnesses has “been sometimes less than optimal”. The prosecutor alleged that a recent acquittal of two KLA commanders at The Hague may have come about because witnesses “were intimidated or afraid”.

The new president of the tribunal, Judge Fausto Pocar, also addressed the UN.

He concentrated on whether the tribunal would be able to complete its mandate by the end of 2008 as requested by the Security Council. He repeated the same prediction as his predecessor that the earliest it could close its doors would be the end of 2009 – and that would depend on a number of factors, including whether all the six remaining Hague fugitives were arrested in good time.

“The tribunal simply cannot close its doors until they have been brought to justice,” he said.

Judge Pocar described the growing caseload at the Hague tribunal - a 50 per cent increase in numbers awaiting trial over the corresponding figures in November 2004. There are currently 45 accused, or 18 cases, awaiting trial.

The tribunal president also mentioned some other factors that could influence the final completion date for all trials. One was the numbers of indictees who are referred back to local jurisdictions to be tried; another was the use of joinders, where the indictees facing accusations relating to the same crime base, are joined together at one trial.

The judge expressed his reservations that joinders would speed trials up, saying the “impact joinder of cases will have on efficiency of trials at the tribunal remains untested”, and pointed out that if one of the accused is ill, the whole trial suffers a delay.

Judge Pocar described cooperation with Croatia as “satisfactory” and with Bosnia as “very good”. However, that of the Republika Srpska “remains insufficient” and he called for continued international pressure on Serbia and Montenegro to surrender the remaining fugitives.

He called on the UN to continue to support the tribunal’s mandate and legacy by showing that “the international community will not tolerate genocide, war crimes and crimes against humanity and will not allow them to go unpunished”.

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**Location:** Stavropol

Serbia

Russia

North Ossetia

**Focus:** International Criminal Tribunal for the former Yugoslavia

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