

Milosevic Arrest Deadline Nears

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Belgrade still appears reluctant to arrest former president Slobodan Milosevic, as the clock ticks away on a US deadline for his detention.

United States President George W Bush must tell Congress on March 31 whether

Belgrade is abiding by the Dayton treaty, observing human rights and cooperating with The Hague war crimes tribunal.

If no such certification is forthcoming, the US will renege on non-humanitarian aid worth \$100 million for this fiscal year and withdraw support for international financial assistance to Belgrade.

In addition to the arrest of Milosevic, Washington wants the Yugoslav government to publicly state that it is willing to cooperate with the tribunal's prosecution of the former president; assist with any investigation of his assets and promise to provide Hague prosecutors key documents relating to the case.

The US has also asked Belgrade to pass a law providing for the transfer of indictees

to The Hague "without making prior determination of guilt or innocence" and to help "educate the Serbian people about the crimes against humanity committed by Milosevic and others".

Not surprisingly, Belgrade has started by meeting the easiest US condition first - a request for assistance in the extradition of at least one suspected war criminal to The Hague. Last week, Blagoje Simic, a former Republika Srpska politician accused of ethnic cleansing in Bosanski Samac, surrendered to the tribunal. The Belgrade authorities have been careful to play down their role in his surrender, saying only that they were notified of, and subsequently approved, his intention to give himself up.

While the government refrained from saying it "encouraged" Simic to surrender, this could nonetheless be inferred from his defence lawyer's remark that he "believes the whole Serbian nation should not be hostage" to indicted fugitives.

Officially, Simic acted voluntarily. He said on leaving Belgrade that "I am

absolutely convinced of my innocence and I'm sure I'll prove it." But he failed to explain why he had not therefore surrendered before - the indictment was issued and published on July 25, 1995.

Simic was born in Bosnia. He obtained Yugoslav citizenship after moving to Serbia to avoid arrest by Stabilisation Force, S-For, troops in Bosnia.

Chief Prosecutor Carla Del Ponte was not impressed with Belgrade's "passive cooperation". She acknowledged Simic's surrender was "carried out with the knowledge and approval of the authorities" and was "a first encouraging signal".

But she stressed she still expects Belgrade to carry out "positive actions...in particular the pro-active arrest and transfer of indictees".

In "assisting" with Simic's transfer to The Hague, Belgrade had met the minimum tribunal requirement and the easiest of the US conditions. Both Washington and the Hague want more. But for the moment, neither The Hague nor Washington is demanding Milosevic's extradition by March 31.

The US demands his arrest and Belgrade's acceptance of an obligation to "ultimately cooperate...on international charges against Milosevic" - a loose statement which does not necessarily include his transfer to the Hague.

Officials at the tribunal would be pleased with an arrest given it would at least prevent Milosevic from disappearing and effecting his escape. The tribunal would object, however, if Milosevic is put on trial in Belgrade for domestic offences, especially if the charges included war crimes deemed to be under the Hague's jurisdiction.

While The Hague insists on Milosevic being transferred to the tribunal first, it is prepared to consider returning him temporarily to Belgrade to face domestic charges.

Regardless of the outcome of a Belgrade trial, the Serbian authorities would need to hand Milosevic back to the Hague to face trial for alleged crimes in Kosovo, Croatia and Bosnia.

Belgrade it seems is still not ready for such a compromise. The Serbian authorities interpret the US wording "arrest and cooperation on international charges" as allowing room for manoeuvre after Milosevic is behind bars. Tribunal president Claude Jorda's threat to refer the matter to the United Nations Security Council, UNSC, should Belgrade fail to bring about Milosevic's extradition "in the weeks and months to come" appear empty.

Russia, a permanent member of the UNSC, advocated the tribunal's abolition last week. Although unable to force such a move, Russia could veto any sanctions against Belgrade.

Belgrade has also been left some freedom of movement by the European Union's conspicuous failure to apply pressure equivalent to the US deadline. Apart from a couple of statements stressing the "necessity of cooperation", the EU has been careful to avoid setting conditions, especially deadlines.

Tribunal Update has obtained a letter from Javier Solana, high representative for European foreign and security policy, to the foreign ministers of the 15 EU member states, following his meeting last month with Del Ponte.

"The Prosecutor forcefully emphasised that Belgrade was only paying lip service to cooperation with the ICTY [International Criminal Tribunal for the former Yugoslavia], " Solana wrote.

He said she felt the internal debate in Yugoslavia over the passing of a law sanctioning cooperation with the Hague was just a "pretext to continue stalling". Solana added that the chief prosecutor urged the EU to condition economic assistance on Belgrade's cooperation with the tribunal, as President Kostunica " would not understand any other language".

Meanwhile, the US March 31 deadline stands and it seems most unlikely Belgrade will opt to ignore it.

The tribunal's future hinges on whether Milosevic eventually appears before a Hague court. For if he is convicted and jailed in Belgrade, then it makes little sense to persevere with the prosecution of smaller fry currently packed into the tribunal's detention unit at Scheveningen.

Location: Balkans
Stavropol
Serbia
Russia

Focus: International Criminal Tribunal for the former
Yugoslavia

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