

Milosevic trial

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There's still uncertainty over where Milosevic will be tried.

It seems certain that former Yugoslav president Slobodan Milosevic will be prosecuted soon, but a question mark remains over what he will be charged with and whether his trial will take place in The Hague, Belgrade or, indeed, both.

Last week, Chief Prosecutor Carla Del Ponte and her deputy Graham Blewitt seemed to have different views on the subject.

Del Ponte ruled out any possibility of Milosevic being tried anywhere other than a Hague court. However, in a speech to the London-based International Institute for Strategic Studies, Blewitt allowed for the possibility of the former Yugoslav president being prosecuted in both Belgrade and The Hague under Serbian and tribunal jurisdiction.

Blewitt has since been forced to clarify his statement, after some media interpreted it as an "about-turn" in the prosecution's stand on Milosevic. Del Ponte's deputy stressed last Thursday he was in complete agreement with Del Ponte and "those indicted by the ICTY must be surrendered to the tribunal".

The ICTY rules of procedure clearly provides for the possibility of holding hearings in the region, something which the United States has stated it is willing to support. But Del Ponte has tended to discourage this scenario and issued clear, tough public statements that Milosevic must be tried in The Hague. Blewitt's comments in London seemed to strike a more flexible tone about the trial venue.

The ICTY is insisting that there is no difference of opinion between the chief prosecutor and her deputy. It remains unclear if there is a disagreement over substance, crossed signals within the ICTY over public presentation or - what seems most likely - merely differences in the two prosecutors' style.

Prior to the confusion, Blewitt had told Tribunal Update that the tribunal's success depended on ordinary Yugoslav citizens seeing that justice is being carried out, and that the way to achieve this is by holding parts of Milosevic's trial in Belgrade. "This is something we have been advocating in the OTP for at least two years," he said.

Blewitt said it would be impossible to hold entire trials in Yugoslavia because witnesses, fearing for their safety, might be unwilling to cooperate.

He insisted, however, that there would be no compromise regarding the tribunal's primacy over crimes falling under its jurisdiction.

Blewitt told Tribunal Update that if there were a delay in Milosevic's trial in The Hague, there may be a possibility of prosecuting him first in Belgrade on charges other than those on the tribunal indictment.

"Here I see an area for compromise," he said. "It is not uncommon throughout the world that persons are accused of crimes in a number of different jurisdictions, and those jurisdictions agree to the order in which persons can be prosecuted. If the Serbs and their government believe it important to prosecute Slobodan

Milosevic at home, then we should not stand in the way."

Despite the pronounced readiness for "negotiations and compromises", the deputy prosecutor nonetheless urged the international community to continue to exert pressure on Belgrade by maintaining its insistence on economic aid for Serbia being contingent on Belgrade's full cooperation with The Hague.

Location: Serbia

Focus: International Criminal Tribunal for the former Yugoslavia

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