

Milosevic's Fate in the Balance

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Talks are underway for the surrender of Slobodan Milosevic amid a tense stand-off at his residence in Belgrade and a mounting power struggle between Yugoslav President Vojislav Kostunica and Serbian Prime Minister Zoran Djindjic.

Belgrade authorities are negotiating for the surrender of Slobodan Milosevic as Yugoslav President Vojislav Kostunica and Serbian Prime Minister Zoran Djindjic fight over the fate of the former leader.

Speaking after a night of conflicting news reports, Serbian Prime Minister Zoran Djindjic told reporters that negotiations were continuing with Milosevic but declined to give details about the talks.

Federal President Vojislav Kostunica, a rival of Djindjic who previously opposed Milosevic's arrest, was also engaged in the delicate negotiations. Kostunica's involvement in the talks was seen as a sign that Milosevic might secure some kind of compromise or eleventh-hour reprieve over the objections of Djindjic's government.

Heavily-armed special police - ordered in by Djindjic -- stormed Milosevic's villa twice but were turned away by a small crowd of his supporters and Yugoslav army soldiers guarding the former president.

The Federal Interior Minister Zoran Zivkovic later accused the Yugoslav army units at the residence of attempting to stage a "miniature coup". Political analysts said President Kostunica had sought to block the arrest through the army, which has backed him in his feud with Djindjic.

Kostunica is believed to favour a more "dignified" solution for Milosevic, possibly allowing him to remain at this villa under house arrest. But Djindjic wants Milosevic behind bars at the central prison in Bacvanska Street.

State Security forces' Deputy Chief Zoran Mijatovic visited Milosevic at 4 pm on Friday and handed him his arrest warrant. Milosevic's supporters in the Socialist Party of Serbia (SPS) promptly walked out of parliament in protest.

At 2 a.m. on Saturday, special police climbed over fences surrounding Milosevic's residence and sporadic shooting broke out. Two officers were injured and a news photographer suffered a minor injury to his hand.

According to news agencies, Milosevic shouted out a window that he refused to accept a warrant from "NATO lackeys", a reference to the current Yugoslav authorities, and he told one policeman that he would "not be taken away alive". A second raid was attempted on Saturday but was rebuffed again by Yugoslav army soldiers.

Political analysts say Djindjic is keen to see the arrest go through as he recently promised the US government that he can secure Milosevic's arrest without the aid of Kostunica or the head of the Yugoslav army. If the negotiations allow Milosevic to avoid arrest, Djindjic's government will lose credibility at home and abroad.

Embarrassed Serbian authorities withdrew announcements that Milosevic had been arrested and issued contradictory accounts throughout the weekend. The Serbian interior ministry insisted that negotiations were focused merely on the details of Milosevic's surrender but Milosevic's political allies said that the arrest itself was up for discussion.

One report had Milosevic transferred to the Palace of Justice earlier on Friday where he was brought before a Serbian investigative judge, Goran Cavlina. A source at the court said Cavlina conducted a two-hour preliminary discussion with Milosevic and a second meeting had been scheduled for the next morning at 7 a.m. Other officials could not confirm the account but police sources told IWPR that this was a staged attempt to convince Milosevic supporters that he was out of the building and in custody, clearing the way for a discreet police entry.

Government officials, possibly trying to save face, said that no further police action had been taken in order to avoid bloodshed. Police sources said that the negotiations currently underway would not preclude another possible raid on Milosevic's villa.

With the US Congress threatening to cut off essential funding of up to \$100 million to the cash-starved state if it fails to cooperate with International Criminal Tribunal for the Former Yugoslavia, dozens of international reporters invaded Belgrade for the so-called arrest-watch.

Rumours of an imminent arrest operation have been circulating for days in the Serbian capital. Belgrade streets are plastered with posters of Milosevic against backgrounds of war devastation, economic deprivation and domestic repression, with the banner headline: "Ko je kriv?" (Who is Guilty?).

News of Milosevic's "arrest" was widely reported by CNN and other international media and Serbian officials told IWPR that the indicted former president had been arrested.

But soon television footage showed Milosevic back at home before a cheering crowd of around 400 die-hard supporters, some of whom were armed. He told Radio B-92 in an extraordinary interview that he was safe, enjoying a cup of coffee. "I'm just drinking coffee with my friends here and I'm just fine, watching all of this like all the citizens of Serbia."

The Serbian interior ministry said Saturday that Belgrade prosecutors will charge Milosevic with a myriad of criminal offences and will soon indict senior aides in his circle, including former federal customs director Mihalj Kertes and former security services chief Radomir Markovic. .

The question of Milosevic's arrest has bitterly divided Kostunica and Djindjic. President Kostunica, a strong nationalist, has denied Serbian responsibility for war crimes, and -- despite his legal background -- has rejected the jurisdiction and legitimacy of The Hague tribunal. A meeting some weeks ago with tribunal prosecutor Carla Del Ponte ended abruptly.

Djindjic has taken a more pragmatic view, insisting that is it not worth risking newly formed relationships with the West over the fate of the former president. A compromise position, according to sources close to the ruling coalition, could be trying Milosevic in Serbia on domestic charges, including corruption, embezzlement, political assassinations and electoral fraud. Afterward, with his reputation ruined and a potential nationalist back-lash blunted, the government would run less of a risk in handing him over to the U.N. war crimes tribunal.

A key factor in recent developments appears to have been the deadline imposed by Washington. The U.S. Congress, which controls government expenditures, has threatened to cut off essential aid if Yugoslavia fails to demonstrate clear evidence of cooperation with The Hague tribunal by the end of March. US officials are expected to evaluate Belgrade's compliance with the ultimatum on Monday.

The confusion of Friday evening highlights the uncertainty over whether Milosevic will be sent eventually to The Hague to face charges before the International Criminal Tribunal for former Yugoslavia.

The recent surrender of other Serb war crimes suspects and the attempted arrest of Milosevic is part of a recent effort to demonstrate, as Yugoslav Foreign Minister Goran Svilanovic recently told IWPR, that Belgrade authorities were "on the way to fulfilling all our international obligations."

With so many pressing issues facing Yugoslavia, the foreign minister questioned why the international community focused on what he called such a "small issue" as the arrest of Milosevic. Yet he noted that Belgrade has recently invited the tribunal to open an office in Belgrade. The new government is developing domestic legislation, in consultation with international bodies, regarding cooperation with The Hague. And it has launched a truth and reconciliation commission.

Milosevic's arrest would go further in satisfying international concerns. This is especially the case because of doubts over the relevance of some of the steps taken so far. The truth commission has been criticised for its unclear mandate and inclusion of nationalists among its members. As the tribunal is a UN body and not a state, many international lawyers argue that handing Milosevic over to The Hague would merely represent a "transfer", and not an "extradition", and therefore does not require new domestic legislation.

The real question may be timing. The Hague prosecutor, who is also investigating charges relating to Bosnia and Croatia, has called not for immediate transfer but for an "explicit commitment" that Milosevic will end up in The Hague soon.

The distinction is strategically helpful and politically useful for Belgrade (and for The Hague), where debate over potentially competing trials under the different jurisdictions has simmered.

"We don't mind if we have to wait a few days or a little longer [for Milosevic's transfer]," prosecutor spokesperson Florence Hartmann told IWPR.

"But the tribunal has primacy, and Belgrade has to make clear it will not make us wait for it to hold a trial first," she said. "They are just beginning their investigations, which could take a long time, and we are ready to go now."

So far, no Belgrade official has said if there has been an official shift in the government's position on the question of Milosevic's transfer to The Hague tribunal. But by Saturday morning, it seemed clear that Milosevic would soon be on trial in a domestic court and one step closer to The Hague.

If the authorities fail to follow through with his arrest -- and a reasonably prompt transfer to the tribunal - international pressure could be ratcheted up and aid blocked. If Milosevic manages to fend off his arrest, political turmoil in Serbia is sure to intensify and Djindjic's authority will be damaged.

Yet for the moment, the uproar itself helps Belgrade send a signal to the international community that it is serious about its obligations and duties. The drama could also be a test of public reaction at home to what had once seemed impossible. For whenever Milosevic finds himself behind bars in Belgrade, and ultimately in The Hague, Friday marks the first time he has faced an arrest warrant issued by Serbian police. A taboo that seemed untouchable only a year ago has at last been broken.

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contributed to this report.

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