

## **Regional Report: Bosnia Signs US Immunity Deal**

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Sarajevo exemption of American war crimes suspects from extradition to ICC sparks international condemnation.

Bosnia has agreed to exempt American citizens from extradition to the International Criminal Court, ICC, after months of US pressure.

The agreement, which states that Bosnia will not extradite any American citizens to the Hague-based court without Washington's prior consent, was signed by Bosnian justice minister Slobodan Kovac and US ambassador to Bosnia Clifford Bond on May 16.

The Bosnian parliament is expected to ratify the accord before the end of the month. The country's tripartite presidency has heralded the pact as another example of Bosnian-American cooperation.

"By signing this agreement, Bosnia-Herzegovina has confirmed that America's continued presence is its interest," said Suljeman Tihic, the Muslim member of the Bosnian presidency.

However, many in Bosnia were critical of the agreement and claimed that Washington had "blackmailed" the Sarajevo authorities into signing it.

"This is a sign both of the Bosnian government's weakness and lack of principles and the American government's strong arm tactics," said Srdjan Dizdarevic, the head of Bosnia's Helsinki Committee.

Washington claims that the ICC should not have jurisdiction over US citizens, as it is likely to be used as a tool by rogue states to prosecute them.

Ever since the ICC came into existence in July 2002, the Bush administration has been pressuring signatory governments around the world to sign bilateral agreements promising not to turn any US citizens over to the court. Bosnia ratified its statute on April 11, 2002.

Citing the American Servicemans' Protection Act - legislation that authorises the use of military force to free US and allied suspects from ICC detention - Washington has threatened to cut off all military assistance to non-NATO countries if they refuse to sign up.

America threatened to suspend some 10 million US dollars in military aid to Bosnia if it did not sign up by July 1. If the agreement was signed, however, the US told Sarajevo that it would likely become a full member of NATO's Partnership for Peace within the next year or 18 months.

Some local politicians said that Sarajevo had no choice but to comply, as the country is indebted to Washington for its part in stopping the war and heavily reliant on US aid.

"Everything we do we must view in the context of the aggression against Bosnia-Herzegovina. If it weren't for the US, everything here would be very different," said Seada Palavric, vice president of the Party of

Democratic Action, SDA.

Safet Halilovic, a member of the Party for Bosnia-Herzegovina, pointed out that Washington plays a major role in preserving state and society and added, "It is understandable that US troops should be exempted from criminal prosecution."

However, the agreement has angered many in Bosnia, and has been criticised by human rights organisations around the world.

Amnesty International urged the Bosnian parliament not to ratify the deal, saying, "These agreements are illegal as they violate Bosnia-Herzegovina's duty to cooperate with the ICC, and the obligations of all states to ensure that people responsible for these [most serious of] crimes are brought to justice."

The statement added that signing the immunity agreement with the US was inconsistent with the European Union's position on the court.

During a visit to Bosnia just before the accord was signed, US deputy defence secretary Paul Wolfowitz denied Washington was demanding immunity for its citizens if they committed war crimes - but was instead asking that such suspects be tried in American courts.

Following Bosnia's announcement that it had signed the agreement, Bond wrote an open letter to the Bosnian public in which he tried to explain Washington's rationale.

He said that the US resolve to implement the Dayton Agreement and help Bosnia become a member of the Partnership for Peace was firm, but added, "We need Bosnia-Herzegovina's help."

If Bosnia failed to sign and ratify the immunity agreement, Bond said that military assistance and other programmes of vital importance to Sarajevo's preparations for membership with Partnership for Peace would be suspended.

Addressing criticism that the US was being hypocritical in asking Bosnia to sign an agreement not to subject American citizens to the ICC's jurisdiction while at the same time calling on Sarajevo to hand Bosnian war crimes suspects over to The Hague, Bond said the two institutions were different.

He argued that the tribunal for the former Yugoslavia was supervised by the UN Security Council, while no such body oversees the ICC. Bond also drew attention to the fact that 35 other countries had signed similar immunity agreements with Washington. His remarks, however, did little to satisfy critics of the ICC exemption.

"We should not have signed the agreement," said Ivo Kosmic, vice-president of the Social Democratic Union. "If we advocate the equality of all, then we should go all the way in implementing this principle."

Dizdarevic of the Helsinki Committee agreed, calling the signing "humiliating". He said he feared that by ratifying the accord, Bosnia might jeopardise its future membership of the EU. "[Sarajevo's] schizophrenic behaviour in currying favour with America and Europe simply won't work," he said.

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