

Regional Report: Serbs Resist Extradition

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Election fever frustrates demands of war crimes tribunal.

The approach of elections in Serbia presents an obstacle to any further extradition of fugitives wanted by The Hague war crimes tribunal. After talks with Serbian officials last week, the tribunal's chief prosecutor, Carla Del Ponte, came away exasperated that they had not as yet surrendered up 11 suspects believed to be on Serbian soil.

On Monday, she urged the United Nations General Assembly to take strict measures against Serbia, which could result in damaging sanctions. Even this threat, however, seemed unlikely to move Serbian leaders who know the surrender of suspects would lose them their anti-Hague voters ahead of the republic's new presidential elections at the end of the year and parliamentary elections in 2003.

Top of the wanted list is Ratko Mladic, the former Bosnian Serb army chief, who is presumed to be hiding in Serbia. Any government leader who had him arrested and sent to The Hague would probably face electoral disaster.

Del Ponte directed her anger mainly at Vojislav Kostunica, now president of the crumbling Yugoslav federation and a main contender for the Serbian presidency. She described him as the "only obstacle" to extradition. "If Kostunica were to order the army today to arrest Mladic, that would be carried out immediately," Del Ponte said, aware that the former has authority over the army.

Kostunica has always been lukewarm towards the tribunal and draws most of his support from nationalistic-minded, anti-extradition voters. The current Serbian premier Zoran Djindjic has been more cooperative with The Hague but holds only a fragile majority in parliament. He's not a presidential candidate but fears his coalition parties' growing inclination towards Kostunica and knows that any extradition move now would almost certainly leave him no parliamentary seats.

Kostunica's advisor for international relations, Predrag Simic, dismissed the prosecutor's complaints as "nonsense". "Our highest bodies have no information about General Mladic being on the territory of Yugoslavia," Simic told Radio Free Europe Wednesday.

The result of all this is that Mladic, accused of genocide in Srebrenica in 1995 during the Bosnian war, can probably rest undisturbed, if he is in Serbia, for some time to come.

On her visit to Belgrade, Del Ponte not only pressed for extradition of the 11 suspects already named but presented three new indictments relating to crimes in Srebrenica. However, Article 39 of the Yugoslav law on cooperation with The Hague stipulated that Belgrade was obliged to extradite only those suspects indicted by April 11 when the legislation was adopted. The law would therefore exclude the three new suspects.

Jorda said it "contradicted Serbia's international obligations towards The Hague tribunal". He stressed that the 11 main fugitives believed to be in Serbia had so far escaped arrest even though they were indicted before April 11.

Apart from Mladic, the wanted men include Colonel Veselin Sljivancanin and Captain Miroslav Radic, accused of crimes in Vukovar in 1991, and the current Serbian president Milan Milutinovic who has two

more months in his post.

"The fact is many fugitives have been indicted but none arrested," Del Ponte told journalists on Monday in Belgrade.

Djindjic and the federal foreign minister, Goran Svilanovic, expressed the need for complete cooperation between Belgrade and The Hague. However, both refrained from promising action on extradition.

Djindjic's government issued a statement after the meeting saying that cooperation with the tribunal represented an "unavoidable obligation" and that "the government was doing everything it can to make that cooperation more efficient".

Svilanovic said on Serbian state television on Wednesday, "We are aware that this cooperation is not ideal, but it can not be said that Yugoslavia is not cooperating".

These statements failed to impress tribunal president Claude Jorda who announced that Del Ponte's visit to Belgrade had failed to bring results.

There was one chink of light on the question of Article 39. The federal justice minister, Savo Markovic, told the Podgorica newspaper Dan on October 19 that Belgrade will not accept new indictments. But his deputy, Nebojsa Sarkic, sounded a somewhat different note.

He told Radio B92 immediately after Del Ponte's visit that Article 39 of the federal law was "untenable". He went on, "It surely will not survive if evidence for some new criminal proceedings appear. And new indictments have already appeared."

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