

Serb Indictee Releases Spark Deal Rumours

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Speculation grows following tribunal's shock move to temporarily release two high profile indictees.

The Hague tribunal's decision to provisionally release two Serbian war crimes suspects has given rise to speculation that a deal has been struck with Belgrade over the capture of fugitive indictees.

The July 28 decision has shocked the international community and angered the tribunal's prosecutors, who now fear that potential witnesses will be intimidated into withdrawing or changing vital testimonies.

Jovica Stanisic and Franko "Frenki" Simatovic were two of Slobodan Milosevic's top secret service people - Stanisic being the state security chief and Simatovic the commander of the Serbian special services unit known as the Red Berets.

Both are accused, like Milosevic, of being part of the same "joint criminal enterprise" to create a new Serb-dominated territory in former Yugoslavia.

The joint indictment charges them with four counts of crimes against humanity - including persecutions, murder, deportation and inhumane acts - and one count of violations of the laws or customs of war.

The temporary releases have prompted some senior analysts and tribunal insiders to speculate that a deal could have been struck between Belgrade and United Nations Security Council member states linking the move with the possible surrender of some other of the tribunal's most-wanted fugitives.

These are believed to be former Bosnian Serb army commander Ratko Mladic and four other Serb generals - former army chief of staff Nebojsa Pavkovic; Vladimir Lazarevic; and police generals Vlastimir Djordjevic and Sreten Lukic.

The four generals have been indicted over crimes committed in Kosovo, and at least three are believed to be living in Serbia, with the fourth in Russia.

"I believe that some kind of deal has been done," a former Hague tribunal official told IWPR speaking on condition of anonymity.

"The question has to be asked, why are these two men - who were so important to Milosevic, and who have such a track record - being released now?" he said.

Some Belgrade analysts agree.

"These releases may mean that the Serbian government is now willing to cooperate over the transfer of other indictees," said Bratislav Grubacic, the usually well-informed general manager of the VIP news service.

The releases came just as several sources in the Serbian authorities confirmed to IWPR that Belgrade was trying to negotiate Mladic's surrender to the Hague tribunal [see BCR 509].

James Lyon, director of the International Crisis Group, ICG, in Serbia and Montenegro, said granting the provisional release to the security and special service officials "is a highly unusual decision, given the gravity of the crimes they are alleged to have committed".

Hague tribunal prosecutors seem particularly astonished by the trial chamber's decision.

"We are extremely concerned - and this is based on statements from witnesses - that [people] will now be intimidated by the release of these men and will refuse to testify," Florence Hartmann, spokesperson for chief prosecutor Carla Del Ponte, told IWPR.

During the provisional release hearings, the prosecution argued that Simatovic in particular has former subordinates who still work within state security.

Both he and Stanisic have signed statements in which they promise not to contact witnesses.

But Natasa Kandic, director of the Belgrade-based Humanitarian Law Centre, does not believe the statements will be worth much. She, too, seems worried about the consequences of their release.

"I don't understand the [trial] chamber's decision that Stanisic and Simatovic are not a threat," she told IWPR. "They are very important people who will support Milosevic's defence and they will have an impact on other cases."

On top of that, she says, "their release will have huge impact on the domestic scene".

Members of Simatovic's Red Berets are accused of being involved in the assassination of Serbian prime minister Zoran Djindjic.

Simatovic also has a track record of phoning witnesses and influencing their testimony. Serb paramilitary leader Dragan Vasiljevic, nicknamed Captain Dragan, who was in charge of paramilitary units fighting in first months of the war in Croatia, is believed to have tried to change his testimony under Simatovic's influence.

Vasiljevic, who testified in Milosevic trial last year, spoke of "close working relationships with Serbian state security officers" in Croatia and about how all Serbs fighting in there "had to be under control of the Serbian state security".

Two days later - and a day after talking on the phone with Simatovic - he tried to change his testimony in a way that would exculpate Belgrade-run security services from involvement in Croatian war.

"We should have good grounds for an appeal as we can demonstratively prove that Simatovic has influenced witnesses in the past," said Hartmann.

However, speaking privately, some sources at the tribunal say that they do not believe such an appeal will succeed.

With such high-profile people being let back into the country that is alleged to house the majority of tribunal's 22 fugitives - the latest of which, Goran Hadzic, managed to escape just hours after the tribunal let the government know of the sealed indictment against him - "there had better be some kind of deal", says the former tribunal official.

"Otherwise the chamber's decision defies rational explanation," he added.

Some Belgrade analysts point to the enormous effort made by Vojislav Kostunica's government earlier this year to secure the provisional release of Stanistic and Simatovic.

Grubacic referred to Serb justice minister Zoran Stojkovic's unprecedented May 10 trip to The Hague, where he met tribunal president Theodore Meron, and spoke on behalf of Stanistic and Simatovic.

"One of the main complaints made by the tribunal during the visit was how could the Serbian government guarantee that Stanistic and Simatovic would return to face trial while they were failing to arrest Mladic and the three other generals on Serbian territory," Grubacic said.

"So my question is, what has actually changed in the meantime?"

However, the ICG's James Lyon cast doubts on the nature and seriousness of the possible cooperation.

"From the tone of public remarks by both international and Serbian officials, it appears as if the Serbian government is cooperating wholeheartedly with international partners in an effort to apprehend Mladic, and that the international partners may truly believe this," he told IWPR.

"But we would caution that, on numerous occasions, various Serbian governments have convinced the international community that they were doing everything in their powers to arrest Mladic, whereas in fact they were doing quite the opposite.

"They did succeed in pulling the wool over the international community's eyes then - what is there to make us believe that this time is any different?"

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