

Is Serbia Ready to Host Hague Convicts?

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The authorities in Belgrade say they are up to the task of holding prisoners convicted by the Hague tribunal, but some NGOs are not so sure.

Opinion in Serbia is split on whether the country's prisons are ready to hold war criminals convicted by the Hague tribunal for the former Yugoslavia.

Belgrade officials say they are, but some non-government organisations in the region believe Chief Prosecutor Carla Del Ponte's suggestion last month that Hague convicts should serve their sentences in their country of origin is premature.

Serbian prime minister Vojislav Kostunica is among those in favour of the plan and he is to write to United Nations Secretary General Ban Ki-Moon shortly to endorse the initiative.

Rasim Ljajic, the president of the Serbian national committee for cooperation with the tribunal, said in a recent interview with the Belgrade newspaper Vecernje Novosti that Kostunica would offer guarantees that convicted persons would serve their sentences in Serbia in line with international standards.

Ljajic told the paper that he would be discussing the issue further at talks with tribunal president Fausto Pocar in September.

Serbia's own war crimes prosecutor, Vladimir Vukcevic, told a July meeting of Balkan prosecutors, held in Croatia, that they should all support Del Ponte's initiative.

Serbian officials insist their prisons are ready and of a high standard. The justice ministry told IWPR that the penal system is in a position to take persons convicted in The Hague, and noted that Serbia passed a law in 2001 that is in line with the European convention relating to the transfer of sentenced persons.

Bruno Vekaric, a spokesman for the Serbian war crime prosecutor, said the agreement that Belgrade hopes to sign with the tribunal would be the first of its kind. He suggested that Serbia could hold prisoners from any Balkan state.

"If Serbia signs the agreement with the tribunal, convicts from other countries in the region could also serve their sentences in Serbia," he said. "That would significantly reduce expenses for their families who wish to visit them, and would also encourage the voluntary surrender of the remaining fugitives."

Vekaric pointed out, however, that the proposed agreement – if it is signed – would only apply to individuals convicted after it comes into force, not to people already serving sentences.

For some, however, including Belgrade's Humanitarian Law Fund, HLF, Del Ponte's idea comes too soon

given the attitudes still held in countries of the former Yugoslavia.

HLF said in a statement this week that it agrees with Del Ponte that the situation regarding war crimes suspects has changed for the better, but points out that the remaining fugitives including former Bosnian Serb army commander General Ratko Mladic are perceived as heroes and victims of international justice by a “significant part of the Serbian public”.

Serbian public opinion on the Hague tribunal remains divided, with some asserting that it is an anti-Serb institution and accusing prosecutors of targeting only people of that ethnicity, even though the court has also tried Croat, Bosnian Muslim and Albanian participants in the various phases of Balkan conflict.

As a result, the HLF said, many of the individuals indicted for war crimes enjoy the support of Serbian institutions, including the prisons.

On Del Ponte’s last visit to Belgrade in June this year, she took an optimistic tone on future arrests, saying Serbian politicians at last had the will to capture Mladic. As evidence of this new readiness to act, she cited the recent arrests of Serbian police general Vlastimir Djordjevic and Bosnian Serb general Zdravko Tolimir.

Del Ponte’s mandate as chief prosecutor expires in September, but she will stay on until December at the request of the UN.

Her spokeswoman Olga Kavran told IWPR that much has changed in the former Yugoslavia since 1993, when former UN Secretary General Boutros Boutros-Ghali said countries in the region could not be expected to punish those found guilty of war crimes, because they were simply not up to the task.

Now, Kavran said, tribunal cases are being devolved to local courts and many suspects are being tried there.

Aleksandra Milenov, a spokesperson for the Hague tribunal in Serbia, told IWPR that it would be up to the UN to decide where those convicted would serve their sentences.

She explained that in order to be allowed to hold prisoners on The Hague’s behalf, countries must ensure that their prisons meet “the highest international standards”.

“Every country must meet a lot of conditions to receive convicted persons,” she said.

At the moment, only Norway, Sweden, Spain, France, Finland, Italy, Austria, Denmark, Germany and the United Kingdom are able to imprison those convicted in The Hague.

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