Serbia: Will New Government Cooperate With ICTY?

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Some say it has no choice if it wants Serbia to join EU, but others think full cooperation is unlikely. Serbia’s new government has pledged to work towards closer ties with the European Union, but the bloc stresses that integration depends on Serbia’s willingness to arrest remaining war crimes suspects who are still on the run.

After months of negotiations, Serbia's parliament has finally approved a new western-leaning government, an unlikely alliance of President Boris Tadic’s Democratic Party, DS, and the Socialist Party of Serbia, SPS, who were originally led by the late Yugoslav president Slobodan Milosevic.

The once bitter rivals, the Alliance for a European Serbia, ZES, headed by the DS and several parties led by the SPS signed a deal on July 4 creating a coalition which has pooled 126 seats, the minimum majority in the assembly of 250 national deputies.

But the most difficult test for the new government – the one it will have to pass if it wants fulfil its election promises and move closer to Europe – will be its willingness and ability to arrest former Bosnian Serb president Radovan Karadzic and his army chief Ratko Mladic, as well as Goran Hadzic, once president of the Serb-held part of Croatia known as Republika Srpska Krajina.

Observers, both in the Balkans and the West, have expressed unease about the political alliance between pro-western democrats and the party which pushed the Balkans into a decade of war. However, Tadic has defended his choice of ally by speaking of the need for national reconciliation and European Union integration.

The previous government – an unstable union of the DS and Vojislav Kostunica’s nationalist Democratic Party of Serbia, DSS – collapsed in March after disagreeing over the terms of a preliminary deal with the EU. The tension came after a majority of EU states decided to recognise Kosovo's unilateral declaration of independence from Serbia.

“Our plan is that at the end of this government's mandate Serbia will be ready to get into the EU," said Mirko Cvetkovic, Tadic’s newly appointed prime minister.

The first step in the long journey to membership will be the ratification of the controversial EU deal which was signed in May ahead of the elections, the so-called Stabilisation and Association Agreement, SAA.

Holland and Belgium originally took the position that the EU should not sign until Serbia arrested the fugitives wanted by Hague prosecutors, but the two countries backed down under pressure from other EU members.

Nevertheless, the Dutch foreign minister, Maxime Verhagen, has said he will not submit the SAA to his parliament because Serbia, according to a report by chief Hague prosecutor Serge Brammertz has not made any serious effort to find the war crimes suspects.
Javier Solana, the EU’s foreign policy chief, and Jose Manuel Barroso, head of the European Commission, have both warned Belgrade it must hand over the suspects to international prosecutors.

In his inauguration speech, Cvetkovic pledged strict and prompt compliance with international laws. “This is the only way our country can become a fully fledged and respected member of the international community,” he said.

But one prominent human rights activist and war crimes expert remained very pessimistic about the prospects of arresting Mladic and Karadzic.

“Although Belgrade’s cooperation with The Hague is in some ways quite unpredictable, it is certain that Mladic and Karadzic will never face justice,” said Natasa Kandic, executive director of Belgrade Humanitarian Law Centre.

“Unfortunately, neither this government nor any another Serbian government in the near future will be able to arrest Karadzic and Mladic. That is just not a realistic expectation.”

Kandic expressed her view that Mladic is protected by certain players in the intelligence services.

“If Mladic ever went to the UN tribunal, he might reveal information related to Yugoslav army involvement in the Srebrenica genocide. Therefore some officials from the intelligence service, as well as some politicians, have calculated that it is not in Serbia’s best national interest that Mladic ever face the Hague tribunal,” she said.

“Information related to the Srebrenica massacre could lead to the reopening of the genocide case of Bosnia and Hercegovina against Serbia and Montenegro in front of the International Court of Justice.”

In February 2007, that court – the United Nations’ highest judicial body, which exclusively hears disputes between states – cleared Serbia of direct involvement in genocide during the Bosnian war.

Kandic also explained that Karadzic enjoys the protection of the Serbian Orthodox church, a very powerful institution.

“In stable and democratic countries, the government has full control over the military, the intelligence services and generally rules society. But that is still not the case in Serbia, which is a post-conflict country, and some informal centres of power can have the final say,” she said.

“You cannot expect to have a reformed society simply because a new government is elected, especially if some political structures from the past are still in control of very important power mechanisms.”

Many people in Serbia and abroad believe cooperation with the tribunal could fail because the new interior minister, SPS leader Ivica Dacic, was once a very close associate of Milosevic.
“The SPS literally views Ratko Mladic as a hero and a defender of the Serbian people. It will be very interesting to see how Dacic intends to arrest the hero of the Serb people,” Zarko Korac, a Liberal Democratic Party deputy, told Radio Free Europe.

Dejan Anastasijevic, a Belgrade-based journalist and political analyst was more optimistic, saying the Serbian security service, BIA, would now be in different hands.

“He said the security service had become nothing more than a “neglected criminal company” during the past decade and needed to be overhauled.

“Tadic does not have a choice. He has to arrest the remaining alleged war criminals in order for Serbia to continue with EU integration. He won the elections because he promised citizens that he would take Serbia towards the European Union,” he said.

Many observers wonder how the new government intends to forge ahead with EU integration if it is not willing or able to hand over the fugitives, with some speculating that Serbia is hoping EU officials might soften their position once again.

Could “full cooperation with the Hague tribunal” be redefined more flexibly?

A few weeks ago, Stojan Zupljanin was arrested. And Kandic told IWPR she would not be surprised if Hadzic ended up in The Hague as well.

Would that be enough for the Brussels officials? Not according to Doris Pack, a German member of the European parliament.

“If they don’t understand why Ratko Mladic has to go to The Hague, it is not possible for us to open our door more than we already have,” she said.

Nedim Sarac is a Sarajevo-based journalist.

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