

Was Tolimir Arrest Staged?

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Former Mladic aide challenges Bosnian and Serbian officials' claims that he was arrested in Republika Srpska.

A week after the Hague tribunal's third most wanted man, Bosnian Serb army general Zdravko Tolimir, was handed over to this court, the circumstances surrounding his arrest still remain unclear.

The authorities in Serbia and Republika Srpska, RS, claim Bosnian Serb police arrested Tolimir on a border crossing with Serbia on May 31, and that they acted on a tip-off from Belgrade.

However, at his initial appearance before the Hague tribunal on June 4, Tolimir said he was actually captured in Serbia, where he is a citizen, and then illegally transferred to Bosnia.

There, as he told the court, he was taken to Sarajevo and flown to The Hague on a NATO helicopter the following day.

Tolimir, one of closest aides of top Bosnian Serb war crimes fugitive General Ratko Mladic, was indicted in 2005 for his role in the 1995 Srebrenica massacre. Charges against him include genocide and complicity to commit genocide, as well as crimes against humanity.

Just few days before Tolimir's surprising revelation in court about the circumstances of his arrest, newspapers in Bosnia and Serbia published reports which supported his version of the story.

The Belgrade daily Press claimed that Serbian police caught Tolimir in a rented Belgrade apartment in the morning hours of May 31, and then swiftly transferred him to RS, where his arrest was staged so that it looked as if he was apprehended by the RS police.

The newspaper claimed that only a handful of top-ranking Serbian officials, including Prime Minister Vojislav Kostunica and the head of the Security and Information Agency, Rade Bulatovic, knew about this plan.

The Bosnian daily Avaz this week backed the staged arrest theory and that Serbian president Boris Tadic and the head of the National Council for Cooperation with the Hague tribunal, Rasim Ljajic, at first really believed Tolimir was detained in RS.

The daily went on to say that the whole plan was conceived by Kostunica and Bulatovic, because Kostunica wanted to please the West, but at the same time didn't want to act against his publicly declared policy - that war crimes suspects hiding in Serbia should not be arrested, but surrender voluntarily.

A similar report appeared on June 2 in the Sarajevo daily Oslobodjenje. The newspaper claimed it had learnt from sources close to the State Investigation and Protection Agency, SIPA, that a deal on Tolimir's handover to the Bosnian Serb authorities was reached a week before, during high-ranking RS police officials' visit to Belgrade.

A day after Tolimir told the Hague tribunal his version of last week's events, the ultra-nationalist Serbian Radical Party, in response to Tolimir's arrest, demanded a no-confidence vote against Kostunica's government.

Radical party deputy leader Tomislav Nikolic said the government lied about the circumstances behind Tolimir's apprehension, and accused it of trying to run the country on "lies and deception".

The authorities in Serbia and RS refused to comment on these allegations and Tolimir's own claims that his arrest had been staged. They stuck to the version they offered to the public before - that the accused was arrested by RS police at the border with Serbia on May 31, with assistance from Belgrade.

Bruno Vekaric, spokesman for Serbia's war crimes prosecutor's office, told IWPR that in this particular case he believed Serbian officials more than Tolimir, but refused to elaborate further.

But the question is, why would Tolimir invent a story like this?

Some observers in Serbia point to the fact that Tolimir could have a very good reason to make the whole story up, especially because the rumors about the staged arrest had already appeared in the local media, thus making his claims in court even more believable.

If doubts are raised about the legality of his arrest, then his detention in the tribunal might be put in question, some commentators have suggested.

In the past, at least two other Bosnian Serb war crimes suspects, Drago Nikolic and Stevan Todorovic, tried this tactic. They were both allegedly arrested in Serbia by foreign special forces - Todorovic in 1998 and Nikolic in 2000 - and secretly transferred to RS.

They complained to tribunal judges that their apprehension was in violation of the international law and that the court's fundamental principle had thus been breached. Therefore, they demanded to be released.

However, the judges rejected allegations that their human rights had been violated or that proceeding with their cases would violate the fundamental principle of due process of law.

The Hague tribunal's chief prosecutor Carla del Ponte, whose visit to Belgrade this week was for the first time at the invitation of the Serbian government, didn't appear to be too moved by the controversy surrounding Tolimir's arrest.

"How and where [Tolimir] was arrested is of no importance to me, as long as he ended up in The Hague," Del Ponte said in a recent interview with Belgrade Television B92.

She said she was very pleased with her visit and Tolimir's arrest, which, many observers believe, will have

a positive bearing on a report she is preparing on Serbia's cooperation with the Hague tribunal, to be presented to the UN on June 18.

While many in Belgrade and RS doubt Tolimir was telling the truth at his initial appearance in The Hague this week, there are even more of those who are convinced he was not making things up.

"I don't think Tolimir lied when he said he was arrested in Serbia and not in the RS," Ljubica Gojgic, a reporter with B92, told IWPR. She added that B92's sources in the Serbian government actually supported Tolimir's claims. She added that she was more surprised by Del Ponte's relaxed view on the whole issue.

"This may be due to the fact that Belgrade and Del Ponte finally reached some sort of consensus on the issue of the arrest of war crimes indictees," she speculated..

Gojgic adds that almost everyone gained by Tolimir's arrest. Serbia showed itself in positive light and received assurances that the talks on Stabilization and Association Agreement between Brussels and Belgrade will resume shortly, the first step towards Serbia's membership of the EU; RS was praised for starting to cooperate with the tribunal, however long overdue; and Del Ponte has a good reason to hope that a few more indictees hiding in Serbia will be handed over to the Hague before her mandate as a chef prosecutor expires in September.

"The only one who loses here is Tolimir," said Gojgic. "He obviously hasn't accepted that a deal was made between Serbia and RS, but there is nothing he can do about it now."

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