

# Belgrade Faces Indictee Dilemma

By Chris Stephen | October 29, 2003

Serbia plunged itself into confrontation with The Hague—and possibly also the international community—this week, by refusing to hand over four former commanders in Kosovo whose indictments were made public on October 20. The four held the rank of colonel-general at the time of their alleged offenses in Kosovo in 1999, while one is now a senior government minister. Former Pristina corps commander Vladimir Lazarevic, the current head of the Serbian interior ministry's public security department, Sreten Lukic, his predecessor Vlastimir Djordjevic, and former army chief of staff Nebojsa Pavkovic are charged with attacks on villages and ethnic cleansing.

The government has refused to arrest them, however, and the BBC quoted Prime Minister Zoran Zivkovic as saying “no fast action” should be expected. He accused the tribunal's Chief Prosecutor, Carla Del Ponte, of breaking an agreement to demand no further high-level arrests.

The Hague denied being party to any such agreement. “It's not the case, there's no deal,” the prosecutor's spokesperson Florence Hartmann said. “There is no field for negotiation over legal documents or indictments issued by the ICTY [International Criminal Tribunal for the Former Yugoslavia]. They have to be acted upon according to the law.”

Prosecutors believe Serbia is simply aggrieved at the prospect of further war crimes prosecutions. “They would like us to stop all the indictments. It's a dream they have because they would like to finish with their obligation to the ICTY,” Hartmann said. The tribunal insisted Serbia must hand over the men. Tribunal spokesman Jim Landale said, “There's a binding legal obligation on Belgrade to cooperate with its orders. That's what we expect to happen.”

The indictments were drawn up on October 2 but kept under seal. Del Ponte took them with her to Belgrade the following day. They were sealed to give the Belgrade authorities the chance to arrest the men before they realized they were being sought. But Belgrade refused to arrest them and later that week, to the frustration of prosecutors, details of the indictments were publicized in the Serbian media. This

week, the prosecutor had little choice but to make the indictments public.

Pressure is already mounting on Serbia to arrest the key war crimes fugitive Ratko Mladic, the Bosnian Serb army chief indicted in 1995 for crimes including the massacre at Srebrenica in eastern Bosnia. The problem for Belgrade is that arresting these men now, with the government mired in crisis and facing impending elections, could strengthen the hand of the nationalists.

But international patience is wearing thin. Another sign of Belgrade's lack of cooperation with the Tribunal emerged in unusual circumstances on October 23, at the trial of Slobodan Milosevic. Milosevic flourished a thick document, containing minutes of the official activities of Yugoslavia's former prime minister, Ante Markovic, from 1991.

Prosecutors said they had long been trying to obtain these documents, but Belgrade had refused permission. Prosecutor Geoffrey Nice said, “It would be nice to know how the yellowed copies of the original came to be in the accused's hands.” Markovic said he had experienced the same problem when he wanted to see the minutes. Belgrade had refused him access. “I was not able to get anything from them,” he said.

Del Ponte and tribunal president Judge Theodor Meron complained earlier this month of Serbia's non-cooperation concerning documents and fugitives to their ultimate bosses, the United Nations Security Council. They recalled that in August the UN

Foreign Policy In Focus (FPiF)



---

declared that the tribunal must wind up proceedings by 2008, or at the latest by 2010. Such a date cannot be honored unless the wanted men arrive quickly in court. The Hague court has done what it can. It has established a competent trials chamber with a system that has been tried and tested. But it has no police force to go out and make arrests.

The tribunal faces similar a problem on a smaller scale with Croatia, which has refused to hand over the indicted former general, Ante Gotovina. The European Union seems likely to halt talks on Croatia's membership partly because of the Gotovina issue.

The U.S. Senate is considering cutting aid for Serbia next year unless it hands over Mladic.

Serbia faces a crucial decision. It has been happy to be accepted back as a full member of the United Nations. But UN membership and the benefits this brings means following all the rules, not just some. One rule is a requirement to cooperate fully with The Hague. The rule is simple: Documents need to be provided and fugitives handed over.

---

*(Chris Stephen is the Institute for War Peace Reporting's (www.iwpr.net) project manager in The Hague. This is reprinted with permission by Foreign Policy in Focus (online at www.fpif.org).)*

---

Published by Foreign Policy In Focus (FPiF), a joint project of the Interhemispheric Resource Center (IRC, online at [www.irc-online.org](http://www.irc-online.org)) and the Institute for Policy Studies (IPS, online at [www.ips-dc.org](http://www.ips-dc.org)). ©2003. All rights reserved.

## **Foreign Policy In Focus**

"A Think Tank Without Walls"

Established in 1996, Foreign Policy In Focus is a network of policy analysts, advocates, and activists committed to "making the United States a more responsible global leader and global partner." For more information, visit [www.fpif.org](http://www.fpif.org).

Recommended citation:

Chris Stephen, "Belgrade Faces Indictee Dilemma," (Silver City, NM & Washington, DC: Foreign Policy In Focus, October 29, 2003).

Web location:

<http://www.fpif.org/commentary/2003/0310belgrade.html>

Production Information:

Writer: Chris Stephen

Editor: John Gershman, IRC

Layout: Tonya Cannariato, IRC

**p. 2**

---

**www.fpif.org**

A Think Tank Without Walls

