



Serbia after the arrest of Radovan Karadžić – the condition of the discussion about relations with the EU and the stance on own past

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After thirteen years, Radovan Karadžić, the Bosnian Serb heading Republika Srpska in Bosnia and Herzegovina in the period 1992 – 1996, was among the last to be taken to the International Crime Tribunal for the former Yugoslavia (ICTY) in order to face charges of war crimes committed during the worst military conflict in Europe in the 1990's. That's why the notion that not only his active political work, but also his arrest and extradition to the Hague may have implications for relations between Serbia and the European Union (EU) sounds kind of paradoxically. The objective of this analysis is to answer the questions what Karadžić's arrest means for Serbia at present, why this didn't happen earlier and what the implications will be like.

First of all, we'll try to elaborate on Radovan Karadžić's profile in terms of political life and events which have led to his accusation in the end. In addition, we will deal with the question why he wasn't arrested earlier, or rather, what the reason was that he has been arrested right now. In this context, we will present the view of the international community, but particularly the Serbian Government and public, which perceive the ICTY to be an institution biased against Serbia. Finally, we will focus on possible implications for Serbia, also from the perspective of the EU, which has a dominant position in their dynamics. We'll refer to the Kosovo question as one of key topics for Serbia, but also to the application of the conditionality approach as a tool of the EU.



Radovan Karadžić in political life

Radovan Karadžić was born on 19th June, 1945, in the village of Petnica in Montenegro in the orthodox family of Jovanka and Vuko Karadžićs. His father was a member of the Chetnik movement which was a nationalistic paramilitary resistance organisation maintaining loyalty to the Kingdom of Yugoslavia in London exile during World War II. This movement fought against the Fascist regime of the Ustaša in Croatia, but it highlighted Serbian dominance like in the era of pre-war kingdom. The second movement, which prevailed finally, was the communist one led by Josip Broz Tito. His greatest advantage was that he declared himself to be multiethnic and spoke for the transformation of Yugoslavia into a federation. Karadžić's father spent several years in prison after the war, which affected his son's childhood. Radovan Karadžić completed his studies of medicine in Sarajevo, he specialised in neuropsychiatry. He spent a part of his studies also at the Columbia University in New York. Afterwards, he started working in Sarajevo hospital as a psychiatrist specialising in depressions. There he married Ljiljana Zelen-Karadžić. They had two children, daughter Sonja and son Saša **(1)**.

This prominent representative of Bosnia and Herzegovina was yet in 1984 during the dissolution of Yugoslavia, when there was communist regime in the country, condemned for embezzlement and spent 11 months in prison. The reason was that he used the loan, which he had obtained from the agriculture development funds along with his partner Momčilo Krajišnik, the later Speaker of the National Assembly of the Republika Srpska in Bosnia, for building his house in Pala near Sarajevo **(2)**. Meanwhile, Krajišnik was sentenced to 27 years in prison by the Hague court. It is the arrested Karadžić who will be the witness in the appellate procedure. Krajišnik



himself has asked for it since he considers Karadžić's testimony important for reaching the change of verdict **(3)**.

Encouraged by the Serbian writer and the Chair of the Serbian Academy of Sciences and Arts in the 1980's Dobrica Ćosić, who became the first President of the Federal Republic of Yugoslavia later, the author of poems for children founded the Serbian Democratic Party in Bosnia in 1989, which pushed through the idea of the so-called Great Serbia. His notorious political career began in this way. Even after the end of the military conflict in Bosnia in 1995, Milošević didn't lose the support of many ethnic Serbs in Bosnia as well as in Serbia itself irrespective of the fact that Ćosić was the main promoter of Serbian nationalism and in 1986, alongside other Serbian intellectuals, the members of Serbian Academy of Sciences and Arts, he participated in the preparation of a political declaration labelled as SANU Memorandum which referred to the crisis of Serbian society. "They well identified the democratisation of Yugoslavia as a solution to the crisis. However, they at the same time claimed that the current desperate condition was caused also by the unequal status of Serbia and the Serbian nation in the federation." **(4)** Therefore they demanded, for instance, the restriction of Kosovo's autonomy and more rights for Serbian minority in Croatia and Bosnia. Not a single year did Ćosić hold the presidential office as he disapproved of Milošević's policy (which led to the imposition of sanctions on Serbia by the UN). Moreover, Milošević began to dread Ćosić's growing popularity. **(5)**

Karadžić's Serbian Democratic Party backed the origin of Serbian autonomous regions in Bosnia. Concurrently on 24th October, 1991, an independent Serbian Assembly (Parliament) was founded as a body which was supposed to represent their interests. That time, it was sure that this country would have to decide on its further relations with Yugoslav federation (Slovenia declared independence on 25th



June, 1991, and fights were under way in Croatia since July 1991). Therefore the Bosnian Serbs held a referendum in November 1991. Most of them voted for preserving the federal state with Serbia and Montenegro. Subsequently on 9th January, 1992, the Serbian Assembly declared the Republic of Serbian Nation in Bosnia and Herzegovina and on 28th January, it passed its constitution on the basis of which Serbian autonomous regions were supposed to stay a part of Yugoslav federation. One day later on 29th February and 1st March, 1992, a referendum on the preservation of federation was held in Bosnia and Herzegovina which, however, was boycotted by the majority of Serbian population. They justified their attitude explaining that they had already expressed their opinion. Nevertheless, from among 64 per cent of attendees almost everybody (98 per cent of the Bosnians and Croats as well as the Serbs upholding independence) voted for the independence of this federative republic of the former Yugoslavia. Bosnia and Herzegovina was recognised by the international community as an independent state on 6th April, 1992. At this point, Radovan Karadžić occupied the foreground again declaring the independent Serbian Republic of Bosnia and Herzegovina which was later renamed Republika Srpska.

The degree of Karadžić's involvement in this conflict was yet stepped up after he was elected president on 7th April, 1992, and became a member of its three-member presidency on 12th May, 1992. He held this office till 19th July, 1996. "During the period, in which he held this office, his de jure competences, as enshrined in the constitution, encompassed the command of the Army of Republika Srpska in times of peace and war and the right to appoint and recall the commanders of this Army." **(6)**

Since 1996, Karadžić has been accused of genocide and crimes against humanity. Responsibility for the three year siege of Sarajevo (from 1st November, 1992 to 30th



April, 1995) and the Srebrenica massacre in particular are being ascribed to him (7). In view of the fact that it was an ethnic conflict, all Bosnians (Muslims) and Croats were forced to move out from the territory of Republika Srpska, or rather, exterminated. In order to ensure their protection, on 16th April, 1993, the UN Security Council adopted the Resolution No. 819 which demanded that all conflict parties regard the towns of Srebrenica, Žepa, Goradže and Tuzla as security zones in which there would be no fight. However, on 6th July, 1995, Republika Srpska's military troops shelled Srebrenica at Karadžić's command. On 11th July, they entered the town and one day later 8,000 Muslim men seeking refuge along with their families were executed (8). Thus Radovan Karadžić became a symbol, "the symbol of the agony of dying Serbia, the symbol of fanatic nationalism and hatred, the symbol of the boiling Balkan pot..." (9)

Mixed attitudes to war criminals

It is obvious that there was reason for including this politician in the list of the accused who were supposed to be tried by the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague. Why was his arrest thus much problematic during the last thirteen years? The explanation is linked with the interest of the international community and the Serbian Government in this matter, the stances of the Serbian Government as well as the stances of society on ICTY work.

From the point of view of the international community, one of the possible reasons was the existence of a secret agreement with the US Secretary of State Richard Holbrooke which the representatives of Bosnia and Herzegovina referred to. The fact that the Bosnian Serbs rejected to extradite their former leader isn't unimaginable also in view of the same attitude in cases of "war heroes" in other Balkan states.



They said that in 1996 it was Richard Holbrooke, i.e. one of those who had taken part in the preparation of the Dayton Agreement, which ended the military conflict, who promised Karadžić an amnesty on the condition that he gave up Serbian Democratic Party chairmanship. Holbrooke denied this and became one of those who clamoured for Karadžić's arrest the most. Also the Bosnians were of the opinion that Karadžić was protected by immunity. In April 2004, the Bosnian Foreign Affairs Minister Alexa Buha, who was in office during the conflict, said that the US had pledged immunity to Karadžić provided that he suspended his political activities after the conclusion of the Dayton Agreement.

Another unconfirmed theory is that Karadžić wasn't arrested because he knew too much about the (in)activity of the international community in Bosnia, particularly in the case of the failure of Dutch troops in Srebrenica. As early as ten years ago, however, the international community attempted to catch Karadžić. The first time was on 2nd April, 1998, when British, French and Italian NATO troops surrounded his house in Pala, but Karadžić wasn't there. Subsequently, French commander Major Herve Gourmelon was accused by the Americans of collaborating with Karadžić and revealing him information about the prepared action. The French Government denied this information, but Gourmelon was recalled immediately.

Following some other failures, the turning point was expected owing to media appearances in 2004. Carla del Ponte, the then ICTY Chief Prosecutor, was unusually concrete: "Karadžić will be caught on the day when Bosnia receives an invitation to join the program Partnership for Peace in terms of NATO (29th June, 2004)."



Finally, these expectations didn't come true. At the beginning of July 2004, the Bosnian Daily Dnevni avaz wrote that "Karadžić along with Mladić negotiated about voluntary surrender on the condition that they were either enabled to stay at large during the trial or detained in a country friendly to the Serbs, for example, in the orthodox Greece. These conditions, however, weren't accepted. That's why both refrained from the idea."

These negotiations were to be mediated by the British Secret Intelligence Service. This has never been confirmed officially. Since an attempt failed again that time, a sceptical opinion appeared that Karadžić wasn't thus much important for western governments any longer. He wasn't active in politics for nine years since the end of the war and his arrest would have had rather a symbolical meaning. In 2004, NATO mission in Bosnia and Herzegovina ended and none of the countries wanted to risk the lives of their soldiers due to Karadžić, predominantly Russian troops which got on well with local inhabitants. The French, the Germans and the Italians didn't want it either as Karadžić lived mainly in zones administered predominantly by them. The United Kingdom showed the greatest effort. British troops managed to catch half of the twenty-nine found and accused war criminals. At long last in 2004 such an alternative was considered that Karadžić feared Slobodan Milošević more than the ICTY. "It sounds paradoxically, but he might be a burdensome witness in his case and therefore he wouldn't even make it to the Hague." **(10)**

In view of Milošević's death in March 2006, however, this explanation cannot be considered the only one as well. In this case, there's no clear answer to the question of failure, although it seems that for western countries, it was more acceptable if Karadžić was extradited by the Serbs rather than using the possibility of catching him themselves. Anyway, Serbian attitude always seemed to be lukewarm as regards this



question. While international community's failure was caused by disunity, possible disinterest or a direct agreement with Karadžić, in the case of Serbian governments the reason was in addition a negative attitude to the ICTY. This institution is perceived by the public as one-sided and biased against the Serbian accused and its work is challenged too. The International Criminal Tribunal for the former Yugoslavia was established in 1993 on the basis of UN Security Council Resolution No. 827 for a 17 year period. From this emerges that it should cope with its agenda by 2010. 111 judgements valid in law out of 161 cases were pronounced till the end of 2007. The representatives of this institution suppose that despite a brief delay, all verdicts should be reached by the end of 2009 and the appeals should be assessed by 2011 unless there's further delay with regard to the extradition of General Mladić. Nevertheless, ICTY was yet asked not to suspend its work before extraditing and trying right this defendant **(11)**.

In connection with Serbia and the ICTY, an important milestone was the extradition of the former President Slobodan Milošević to the Hague in February 2002 (he died before passing the judgement in March 2006). Obviously, in comparison with Karadžić's case, several differences can be seen: after huge mass protests on 6th October, 2000, Milošević was forced to resign from his office which he had held in spite of Vojislav Koštunica's election victory. He lost the support of at least a part of the public. Simultaneously, in the Hague he was accused not only of crimes against humanity, but also of genocide in the period 1991 – 1995 during the war in Bosnia and Croatia, as well as of attacking Kosovo in 1999 **(12)**. The distinctively pro-Western politician, the then Prime Minister Zoran Đinđić assassinated in March 2003, was involved in his extradition. Milošević was arrested in April 2001 and charged with corruption and financial machinations in Serbia at first. It is the Serbian politician's willingness to cooperate which is the noticeable and striking difference in comparison



with later stances of Serbian governments, although the motive is partly disputable as well: “Đinđić obtained public recognition thanks to his willingness to extradite Milošević to the Hague in return for economic assistance amounting to 1.2 billion dollars.” **(13)** As for this issue, Đinđić at the same time got into conflict with Koštunica, who claimed that Milošević’s extradition was banned by the constitution. Đinđić accused him of nationalistic rhetoric in this context. Thus his behaviour was rather extraordinary.

One of the most important wanted criminals, however, on Croatian side was General Ante Gotovina. He was the commander of military forces which led the operation Storm (Oluja) in the republic Srpska krajina in Croatia. The operation started on 4th August 1995 and resulted in the victory of the Croats over the Serbs in the end **(14)**. The success rate of his arrest was supposed to show (Serbia, Turkey and other countries struggling for EU membership) that, as the then French Foreign Affairs Minister stated, “Nobody can enter the EU only because “the door is open”, one has to want it really. There is no shortcut.” **(15)**

Gotovina was caught on the Canary Islands on 7th December, 2005, after the EU Council set his extradition as a condition for the launch of access talks in March 2005. The Croatian Constitutional Court confirmed the superiority of the ICTY over domestic courts as early as 2002. In an opinion poll, which attested to Gotovina’s popularity, as many as 94 per cent of respondents answered the question ‘whether they would prefer EU entry to Gotovina’s defence’ choosing the second option **(16)**. In the final analysis, access talks started yet prior to his extradition on 3rd October, 2005, as the Chief Prosecutor Carla del Ponte confirmed maximum cooperation of Croatian side and the demands of the Netherlands, the United Kingdom, Sweden, Denmark and Finland faded into the background owing to Austrian threat that if the



talks were suspended for Croatia, it wouldn't back their commencement in the case of Turkey either. Serbian reaction to Gotovina's extradition was rather lukewarm. President Boris Tadić said: "We congratulate Croatia. It's most important and we all in this region should act similarly." **(17)** Surprisingly, it was not until March 2008 that Gotovina's trial started.

Finally, as regards objections against ICTY's bias, one has to point out the recent case of the commander of Kosovo Liberation Army (UÇK) Ramush Haradinaj, who became also Kosovo's prime minister for a short time (three months) in 2004. Along with him, also the commander of the UÇK special troop Black Eagles, which participated in ethnic cleansings and the torture of the Serbs and Roma in Kosovo, Idriz Balaj was liberated. Haradinaj emigrated to Switzerland, however, in 1997 he returned and became the commander of UÇK, which was considered a terrorist organisation. In March 1998, UÇK started to evict the Serbs from Kosovo territory, mainly from villages in the Glodjane region **(18)**. Several dozens of them were tortured and executed, hundreds of persons are still missing. Haradinaj was accused of these acts in 2005 **(19)**. In contrast to previous cases, however, he decided to surrender himself and leave for the Hague voluntarily. He did so despite holding the office of Prime Minister and being the leader of the political party Alliance for the Future of Kosovo (AAK), which he had founded after the war, that time. "This gesture ensured him yet bigger support since he decided to take part in the trial in spite of disputing ICTY's authority or hiding like many others." **(20)**.

Notwithstanding these accusations, Ramush Haradinaj was dismissed for the lack of evidence on 3rd April, 2008, although the prosecutor asked to sentence him to 25 years in prison for war crimes and crimes against humanity. The court simultaneously admitted that "the trial was under way in a dangerous atmosphere and the witnesses



felt menaced”. Also the press, which often brought information about mysterious deaths of people who testified against UÇK commanders, played an important role in the intimidation of witnesses **(21)**.

Although Haradinaj isn't yet 40, he has already completed his studies of law and economy at the University of Pristina. The fact itself that the costs of his defence amounting to 9 million euro were financed by private donors from Kosovo attested to strong influence and support that he enjoyed. Nowadays, he's an opposition leader and it isn't ruled out that he will appear in top politics, although he is likely to face frequently the prosecutor's office appeals **(22)**.

Concurrently, the verdict of acquittal was reached shortly after the declaration of Kosovo's independence on 17th February, 2008. Therefore the nervous reaction of Serbia and President Tadić wasn't surprising: “Serbia is convinced that every person, who committed war crimes in the former Yugoslavia has to be sentenced in the Hague independently of ethnicity.” Tadić labelled this verdict as unjust adding that the Serbian public had reason as well as the right to display dissatisfaction. Also the then Prime Minister Koštunica said that such a decision was challenging the legitimacy of this institution **(24)**.

Public opinion in Serbia wasn't very biased in favour of the ICTY due to its one-sidedness. Without choosing from a submitted list, the inhabitants labelled primarily unemployment rate (always over 50 per cent), low living standards (over 30 per cent), corruption and the Kosovo question as serious problems of Serbia in the period 2005 – 2006. Collaboration with the Hague tribunal, however, was perceived to be a problem by not more than 12 per cent of inhabitants (in February 2006), although one year earlier, it had been perceived so by 10 per cent less and at the end of 2006, just



3 per cent of respondents regarded it as a problem. In that period, the perception rate of the problem in question was around 7 per cent, although in December 2005, i.e. shortly after the arrest of General Gotovina, it rose to 10 per cent. As mentioned in the same opinion poll, nobody considered his or hers knowledge of the ICTY as well as its working methods to be excellent in 2005. Interestingly, 3 per cent of respondents expressed the contrary one year later. Nonetheless, 57 per cent of respondents answered this question that they only knew very little or little about ICTY work **(25)**. Insufficient knowledge could have contributed to the negative perception of the ICTY as well.

Anyway, the cooperation between the International Criminal Tribunal for the former Yugoslavia and Serbia was mostly rather perplexing, though certain improvements occurred gradually. As an example serves the Human Rights Watch report from 2007: “In 2006, the cooperation between Serbia and ICTY has been enfeebled because Serbian authorities’ expectations of voluntary extradition of prosecuted to ICTY instead of catching actively the accused ceased to bear fruit. Most distinct is the unwillingness, or rather, the inability to arrest General Ratko Mladić. Although the government endorsed an action plan for the arrest of war criminals in July 2006 after the international community’s pressure, it has born no results.” **(26)**

That year, insufficient witness protection was a problem too. One year later, similar assessment was much more favourable. Predominantly the cooperation with surrounding states in arresting the accused as a new element in comparison with the existent attitude of voluntary surrender contributed to it: “In 2007, the collaboration between Serbia and the ICTY was evaluated as markedly better. In May, for example, the Bosnian Serb General Zdravko Tolimir, Mladić’s chief deputy, was arrested in cooperation with Serbia, Bosnia and EU troops. Similarly, the



collaboration between Serbia and Montenegro led to the arrest of General Vlastimir Đorđević (Serbian police commander) in Montenegro in June. Nevertheless, the negative public perception of the ICTY wasn't changed.” (27)

The two most wanted criminals, Radovan Karadžić and Ratko Mladić, were still at large and therefore the Serbian Government kept on facing the appeals to extradite them: “In February 2007, the International Court of Justice passed judgement in the case Bosnia and Herzegovina versus Serbia and Montenegro. It was the first one ever to be based on the Convention on Genocide from 1948. According to this verdict Serbia didn't bear direct responsibility for the genocide in Bosnia, however, it was breaching duties emerging from this convention with regard to the prevention of genocide and the punishment of people accountable for genocide including insufficient cooperation with the ICTY, also in the case of General Mladić.” (28)

The causes and consequences of Karadžić's extradition

In Serbia in February 2008, another topic entered the foreground, namely the declaration of Kosovo's independence. This issue led even to the dissolution of the coalition composed of President Tadić's Democratic Party (DS) and the then Prime Minister Koštunica's Democratic Party of Serbia (DSS). While Tadić kept on upholding the EU membership of his country, Koštunica demanded that the recognition of Serbian frontiers including Kosovo's territory membership was set as a condition for the country's membership in accordance with UN Security Council Resolution No. 1244/1999. This was impossible that time because several EU member states including France, Germany and the United Kingdom had already recognised Kosovo's independence and insisted on this step. Also for this reason and owing to the concern over the forging of an alliance between Koštunica and



Serbian Radical Party (SRS), on 30th April, 2008, the EU signed the Stabilisation and Association Agreement with Serbia as a proof that Serbian EU membership wasn't unreal provided that Serbia showed interest in it during the elections. These were held on 11th May, 2008, and the result was unexpectedly positive: Tadić's DS gained almost 39 per cent of votes and Serbian Radical Party got 28.5 per cent ones **(29)**. That's why it was paradoxical that it was the Socialist Party of Serbia (SPS) which was to decide on further development in the country. The already mentioned former president Slobodan Milošević, who was tried for war crimes too, came from this party. In their quest for distancing themselves from this period and obtaining new electorate, the Socialists chose partnership with DS in the end. And it was the pro-European Government in Serbia amounted to the fundamental precondition so that it was at least possible to contemplate arresting war criminals including Karadžić. Therefore it might seem a bit of paradox that the Socialist chairman Ivica Dadić became the Interior Minister **(30)**.

The Stabilisation and Association Agreement, ratified by the Serbian Parliament on 30th September, 2008, was substantial for Karadžić's extradition. Out of 250 MPs 139 voted for. Originally, also SRS promised to support it, however, Vojislav Šešelj, who has been currently tried in the Hague, disapproved of it. Subsequently, Tomislav Nikolić resigned as the head of the party in protest against his decision **(31)**. Anyway Karadžić was in reality more important for SAA. As stated in the article 2, the respect for democratic principles and human rights, as defined in the Universal Declaration of Human Rights,..., "the respect for the fundamental principles of international law including cooperation with the International Criminal Tribunal for the former Yugoslavia and the principles of a legal state and market economy ... are supposed to be the basis for domestic as well as foreign policy of contracting parties and stand for inevitable elements of this agreement." Article 4 of the Agreement is yet more



explicit: “Contracting parties confirm again the importance which they attribute to the implementation of international commitments, namely to intensive cooperation with the ICTY.” **(32)**

In other words, SAA without full cooperation with the ICTY cannot take effect and some states (primarily the Netherlands the soldiers of which stood idly by while people in Srebrenica were being massacred) won't ratify it unless Karadžić and Mladić are extradited to the Hague. Also trade and economic benefits contained in the interim agreement won't take effect until then. Similar setting of conditions towards non-member countries isn't unusual. It was applied by NATO as well, which, however, enabled Bosnia and Serbia to enter the program Partnership for Peace in 2006 also without extraditing these two criminals as that time, the separation of Montenegro from the union with Serbia was being prepared. As for war criminals, the US, for instance, has been regularly suspending a part of financial aid to Serbia since 2004 **(33)**.

In June 2008, one of the four most wanted war criminals from the era of Yugoslavian dissolution Stojan Župljanin was caught nearby Belgrade. During the war, Župljanin was the top representative of the police of the so-called Autonomous Region Bosnian Krajina (near Croatian border), where he conducted a control and ethnic cleansing plan. 16 ethnically mixed districts belonged to the region including the town of Prijedor where several concentration camps for Muslim population were situated **(34)**.

Primarily the incentives linked with the effort to hasten SAA ratification led probably to the arrest of Karadžić himself. This happened on 18th July, 2008. He was extradited to the Hague on 30th July. “The Serbian Labour Minister and the Head of the Coordination Team with the International Criminal Tribunal for the Former Yugoslavia



Rasim Ljajić informed that Karadžić (since he wasn't a Serbian citizen) was hiding under a false identity and name Dragan David Dabić. He worked at a private clinic in Belgrade where he was dealing with alternative medicine and faith healing **(35)**. Thanks to altered appearance, he walked around freely in the town and his identity wasn't revealed even by clinic staff. He also published journals articles dealing with bioenergy under this name and his lectures were well-attended and popular. He took part in several conferences abroad, for example, in Austria. Serbian secret services headed by Saša Vukadinović, a person close to President Tadić, were involved in his arrest. The Interior Minister hurried to declare that the troops of the ministry didn't take part in this action. Nevertheless, political as well as public interest in protecting these people has been shrinking which is another reason for success **(36)**. This is proved by the fact that reactions of the Serbian public were considerably milder than expected. "Protests in Serbia have been minimal to date. On 21st July, tens of protesters gathered in front of Beograd court where Karadžić was detained, but no mass protests were held." (45)

Karadžić has been defending himself. He has used his right not to testify. Meanwhile, prosecutors have reduced original accusations against Karadžić in their pursuit of hastening the whole trial. He isn't accused of complicity in the genocide of the Muslims who died in 1995, but charges of the Srebrenica massacre haven't been withdrawn **(37)**.

Foreign reactions to his capture were immediate, positive and at the same time careful. This holds true also in the case of Bosnia, the country in which he was the President of Republika Srpska, though the Bosnian Serbs speak of Karadžić's personal responsibility rather than the complicity of ethnic minority and its current political representation. "The Prime Minister of Republika Srpska Milorad Dodik underscored that Karadžić had to bear "personal political responsibility" for what he



had done during the war. He warned off re-evoking the impression of the collective guilt of the Serbs in Bosnia and highlighted that Republika Srpska's authorities had thus fulfilled one of their last duties to the Hague Tribunal."

The current chairperson of the collective three-member presidency of Bosnia and Herzegovina Haris Silajdžić emphasised the importance of this event for Bosnia itself: "It's a big day for international justice, although it comes with great delay. His arrest, however, will have a tremendously positive influence on Bosnia. We were in need of such a catharsis. We need the people to feel that justice exists." **(38)**

At a meeting in Brussels, EU member states ministers welcomed the arrest of Radovan Karadžić as a momentous step of Serbia towards union membership, but they at the same time pointed out that Serbia still faced the task of extraditing General Mladić. Also the High Representative of the EU for the Common Foreign and Security Policy Javier Solana said that Serbia managed to show full cooperation with the ICTY. Nonetheless, some politicians were more careful: "Everything has become easier now, but let's not be hasty," said the French Foreign Affairs Minister Bernard Kouchner as the representative of EU presiding country in the second half of 2008. The Slovenian Foreign Affairs Minister Dimitrij Rupel also inclined to the view that Serbia was just halfway towards full cooperation with the Hague, though Slovenia perceived itself to be a country supporting evidently Serbian EU membership. If all 27 countries agree that Serbia cooperates fully with the ICTY, the candidate status should be granted to it at the end of this year **(39)**.

The ICTY Chief Prosecutor Serge Brammerts, who substituted Carla del Ponte at the beginning of this year, said that the detention and extradition of Karadžić to the Hague was a major breakthrough within cooperation between Serbia and the ICTY.



He simultaneously pointed out that he was not going to reassess this cooperation during next days, but he would give his opinion on it in the December report for the UN Security Council. “The trial with Karadžić, who is accused for genocide, war crimes and crimes against humanity, in front of the Hague Tribunal will contribute to the revelation of truth and the fulfilment of justice for victims’ families.” This aspect was underlined also by the Dutch Foreign Affairs Minister Maxime Verhagen who added that he was encouraging Serbian authorities to arrest other accused too. According to him the approach to EU membership is possible solely in the case of fulfilling this condition **(40)**.

For Serbia, the immediate benefit remains questionable taking into account the goal of achieving SAA implementation. According to optimistic estimates Serbia could attain union membership from the long term point of view as early as 2014 thanks to this step. Nonetheless, some countries like the Netherlands, Belgium, Sweden and Finland have been waiting for the confirmation of full cooperation with the ICTY and are careful about promises unless General Mladić is caught as well **(41)**. At this point, another problem might occur for Serbia since the government could be interested in Mladić not being extradited. While there was no prominent institution behind Karadžić (and as the Serbian minister charged with cooperation with the Hague Tribunal in Belgrade stressed that Karadžić wasn’t Serbian citizen), “Mladić is most probably protected by the General Staff and Serbian security services. As the Chief of General Staff of the Bosnian Serbs, Mladić (in contrast to Karadžić) was directly linked with command structures from Belgrade. Thus the direct participation of Serbia and its then political leadership (President Milošević) in Bosnia war could be confirmed in his case. Another “political taboo” with all its implications would be broken **(42)**.



No matter how this problem will be solved, in relation to the EU, Serbia will have to cope with yet another already mentioned and still delicate issue pertaining to the status of Kosovo. The High Representative for the Common Foreign and Security Policy Javier Solana answered the question ‘whether the recognition of Kosovo’s independence will be the condition for Serbian EU membership’ rather evasively saying that he understood how delicate this topic was in Serbia and therefore he didn’t find it appropriate to express an unequivocal position at that moment **(43)**. It’s certain that the current Serbian government is the most acceptable alternative for the EU and to insist concurrently on both requirements (Mladić’s extradition and Kosovo’s recognition) would be risky in a manner of speaking. Therefore it’s conceivable to expect a certain shift in mutual relations after Radovan Karadžić’s extradition. Hopefully, it will have practical implications in the form of implementing the interim agreement on trade as a part of SAA, however, it won’t be such implications which themselves could lead to union membership **(44)**.

Irrespective of the development of relations with the EU or various motives and objectives, for Serbia, Karadžić’s capture amounts primarily to a great success from the viewpoint of coping with the manifestations of nationalism and own past: “Confrontation with genocide is crucial – for the Bosnians who can thus overcome the persistent victimisation discourse, for the Serbs who can thus deal with the reverse side of national extremism and for the international community as a possibility of reassessing the responsibility emerging from the mandate to protect civilians in the so-called security zones.” **(45)**



Conclusion

Radovan Karadžić, who was extradited to the Hague 13 years after his accusation, was the President of Republika Srpska in Bosnia and Herzegovina in the period 1992 – 1996. As the commander of armed forces he bears direct responsibility for war crimes, the massacre of Muslim population in Srebrenica in particular. His arrest was hitherto complicated because of the possible existence of an agreement on immunity in the case of his retirement from political life in Bosnia, but also owing to the unwillingness of former Serbian governments to cooperate with the ICTY as well as the effort to rely on the criminals to surrender voluntarily. The International Criminal Tribunal for the former Yugoslavia is at the same time perceived negatively by the Serbian public mainly due to challenging its impartiality – in the recent period mainly in connection with the former Kosovo Prime Minister Ramush Haradinaj, who was absolved from all accusations due to lack of evidence in this year's April. The fact that Karadžić was arrested finally is attributed predominantly to the effort to hasten the implementation of the Stabilisation and Association Agreement signed in April 2008 shortly before parliamentary elections in Serbia. However, its efficiency is conditioned by full cooperation between Serbia and the ICTY. From the point of view of the long-term approach to EU membership, this step will be insufficient for two reasons in particular. The first one is the necessity to extradite the last accused, General Ratko Mladić, for which there needn't be enough political will, and the second is the need for dealing with the declaration of Kosovo's independence and its recognition by most of EU member states. Regardless of Serbian Government's motives and no matter whether it will be successful in requesting SAA implementation, this step is crucial mainly for Serbia and for dealing with its own past. From this viewpoint, the arrest and extradition of Radovan Karadžić was doubtlessly a good thing.



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