

“Safe Areas” for Srebrenica’s Most Wanted A Decade of Failure to Apprehend Karadzic and Mladic

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Introduction

July 2005 marks the tenth anniversary of the killing of between 7,000 and 8,000 Bosnian Muslims in Srebrenica, Bosnia and Herzegovina. On July 11, 1995, the United Nations and NATO allowed Bosnian Serb forces to seize the town, despite it having been declared a United Nations “safe area.” Up to one thousand men and boys who stayed in the enclave were separated from the rest of the civilian population. Most men attempted to flee, in a huge column, through the woods towards the territory controlled by the Bosnian government. Bosnian Serb forces intercepted the column and attacked it. Large numbers of those in the column were either killed or taken prisoner. In the following ten days, Bosnian Serb forces executed thousands of Bosnian Muslim men and boys – both those captured in the woods and those separated from women and children – in areas north of Srebrenica.¹

The forces responsible for the crime were under the command of then-Bosnian Serb president Radovan Karadzic and then-Bosnian Serb army chief, General Ratko Mladic. In 1995, both men were indicted for genocide, crimes against humanity, and war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) for the Srebrenica massacre, the killing of civilians during the siege of Sarajevo, and numerous other crimes. In the words of the judge who confirmed the indictment for Srebrenica:

After Srebrenica fell to besieging Serbian forces in July 1995, a truly terrible massacre of the Muslim population appears to have taken place. The evidence tendered by the Prosecutor describes scenes of unimaginable savagery: thousands of men executed and buried in mass graves, hundreds of men buried alive, men and women mutilated and slaughtered, children killed before their mothers’ eyes, a grandfather forced to eat the liver of his own grandson. These are truly scenes from hell, written on the darkest pages of human history.²

¹ See, International Tribunal for the former Yugoslavia, *Prosecutor v. Radislav Krstic*, Trial Chamber Judgment, August 2, 2001; *Prosecutor v. Radislav Krstic*, Appeals Chamber Judgment, April 19, 2004.

² Judge Fouad Riad of the International Criminal Tribunal of former Yugoslavia, November 16, 1995, cited in United Nations, “Report of the Secretary-General pursuant to General Resolution 53/35: The Fall of Srebrenica,” A/54/549, November 15, 1999.

Authorities in the Republika Srpska,³ international peacekeeping forces in Bosnia, and the authorities in Serbia and Montenegro, share responsibility for apprehending persons indicted by the ICTY.⁴ But after a decade of empty promises from western leaders that Karadzic and Mladic would be brought to justice, they remain at large.

The failure to bring Karadzic and Mladic to justice is a collective one. The unwillingness of the authorities in Republika Srpska to arrest the two men is sadly unsurprising.⁵ In the post-war period, Serb nationalism has dominated the politics of Bosnia's Serb entity. In the decade since the end of the war, authorities there have failed to convict a single person for war crimes. Karadzic and Mladic are widely regarded as heroes, particularly in the entity's eastern half.

Equally unsurprising was the lack of response from Serbia during the rule of Slobodan Milosevic—currently facing trial at the ICTY on multiple counts, including crimes against humanity in Bosnia. The Milosevic government was arguably even less cooperative on war crimes issues than the authorities in Republika Srpska have been.

The response of NATO and the post-Milosevic authorities in Serbia is harder to understand. NATO and successive democratic governments in Serbia have repeatedly failed to live up to their obligations to apprehend Karadzic and Mladic, offering excuses instead of arrests. NATO's excuses have shifted—from arguments soon after its deployment that arresting war crime suspects was not its responsibility, or would destabilize Bosnia, to concerns over reprisals against NATO troops (so-called “force protection”). And like the government in Belgrade today, NATO has frequently hidden behind the excuse that it is ignorant of the men's whereabouts and incapable—despite considerable intelligence assets—of finding that information out.

³ Republika Srpska is one of the two “entities” in Bosnia and Herzegovina. The majority of people in Republika Srpska are Bosnian Serbs. The other entity is Federation Bosnia and Herzegovina, which is inhabited mainly by Bosnian Muslims and Bosnian Croats.

⁴ The Statute of the ICTY obliges all states to comply “without undue delay” in the “arrest or detention of persons” indicted for war crimes and “the surrender or transfer of the accused to the International Tribunal.” As parties to the Dayton Peace Agreement, Bosnia and Herzegovina, and Serbia and Montenegro, are under an additional obligation to cooperate with the ICTY.

⁵ Bosnian Serb police forces have twice made half-hearted efforts to locate Radovan Karadzic. On September 3, 2003, Republika Srpska (RS) police raided the Bijeljina home of a Serbian Orthodox Bishop after receiving information from European Union Police Mission (EUPM) that Karadzic was hiding in the premises. [Council of Europe.] *Bosnia and Herzegovina: Compliance with obligations and commitments and implementation of the post-accession co-operation programme, Fifth Report (July 2003 - September 2003)*, SG/Inf(2003)36, October 1, 2003. On March 12, 2004, the RS police received information that Karadzic was in the area of Bratunac, in eastern RS, and might have tried to cross into Serbia. One hundred and fifty police officers reportedly carried out checks on cars and individuals at several places near the border between Bosnia and Serbia. “Bosnia Serb police search for Karadzic,” Reuters, March 13, 2004.

However, as this briefing paper demonstrates, there is clear evidence that NATO peacekeepers and Serbian police failed fully to pursue the arrest of Karadzic and Mladic, even when their whereabouts were known. In addition, it is simply implausible that the intelligence capabilities of NATO and the Serbian government are so poor that the two men could remain unnoticed for many years. For both these reasons, NATO and Serbia's claim—that they would arrest Karadzic and Mladic if they were able to find them—is simply not credible.

ICTY prosecutors—who are well placed to judge the excuses offered for inaction—have been among the most vocal critics of NATO's failure to arrest indicted war crime suspects, including Karadzic and Mladic. Richard Goldstone, the first prosecutor (1994-1996) questioned whether it was even meaningful for the ICTY to continue to exist in a situation in which NATO was unwilling to arrest war crimes suspects.⁶ His successor, Louise Arbour (1996-1999), complained in December 1997 that war crimes suspects in the region patrolled by the French felt “perfectly safe” because the French had never taken action against indicted war criminals.⁷ As Justice Arbour's comments suggest, NATO's overall track record of arresting indicted war crimes suspects is at best mixed. Although NATO forces have apprehended twenty-eight suspects, they have not made an arrest since April 2003.⁸

The current prosecutor, Carla Del Ponte, has frequently condemned international forces in Bosnia for not doing enough to arrest Radovan Karadzic.⁹ On one occasion she demanded that the NATO-led Stabilization Force (SFOR) make a real effort to arrest Karadzic, instead of engaging in “public relations operations.”¹⁰ In her May 2005 assessment to the U.N. Security Council on the work of the ICTY, Del Ponte stated that “the failure to arrest and transfer Radovan Karadzic and Ratko Mladic remains a disgrace both for the international community and for Bosnia and Herzegovina and Serbia and Montenegro.”¹¹

⁶ Ray Moseley, “NATO May Extend Troops’ Bosnia Duty U.S. Unenthusiastic About New Mission,” *Chicago Tribune*, September 26, 1996.

⁷ Craig R. Whitney, “Prosecutor Says French Balk at Seizing War Criminals in Bosnia,” *The New York Times*, December 16, 1997.

⁸ See Hugh Griffiths, “SFOR Indictee Arrest Record Mixed,” Institute for War and Peace Reporting web site, December 3, 2004 [online], http://www.iwpr.net/index.pl?archive/tri/tri_384_8_eng.txt (retrieved June 22, 2005).

⁹ See, for example, “U.N. prosecutor tells peacekeepers to get Karadzic,” Reuters, February 25, 2001.

¹⁰ “Peacekeepers making no real effort to get war crimes suspect Karadzic: prosecutor,” Agence France-Presse, August 23, 2002.

¹¹ Assessment of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1543 (2004), May 23, 2005.

The ongoing failure of NATO forces to apprehend Radovan Karadzic, and its failure to arrest Ratko Mladic when he was in Bosnia, compounds the international community's dereliction of duty to protect the inhabitants of Srebrenica. The moral responsibility of NATO governments is particularly acute since Srebrenica was a "safe area" under the protection of NATO troops—albeit wearing United Nations blue helmets—and NATO governments allowed the safe area to fall.

The decade following the worst massacre in Europe since 1945 has been characterized by rhetoric about the need to bring Karadzic and Mladic to justice, coupled with a failure to take the steps necessary to achieve that objective. It is imperative that international forces in Bosnia, as well as the authorities in Republika Srpska and in Serbia, take the action necessary to apprehend the two wartime Bosnian Serb leaders. If they fail to do so, the true legacy of Srebrenica will be that those most responsible got away with mass murder.

The Failure to Arrest Radovan Karadzic

The International Criminal Tribunal for the former Yugoslavia (ICTY) indicted the wartime Bosnian Serb leader Radovan Karadzic on July 24, 1995, for genocide and war crimes against non-Serbs in various parts of Bosnia and Herzegovina. On November 16 of the same year, ICTY prosecutor also indicted Karadzic for genocide in Srebrenica. Notwithstanding the indictments, Karadzic remained president of Republika Srpska until July 1996, when the U.S. mediator Richard Holbrooke brokered a deal in Belgrade with Serbian president Slobodan Milosevic, and two leading Bosnian Serb politicians—Momcilo Krajišnik and Aleksa Buha—to force Karadzic out of politics and public life.¹²

Over the past decade, there have been only three confirmed attempts by NATO to arrest Karadzic. Each one resulted in failure. Other reported activities were limited to creating preconditions for eventual arrest.

Karadzic is not an ordinary criminal. He remains widely popular among Bosnian Serbs and enjoys a well-financed support network, including police officers and members of the intelligence services in Bosnia, Serbia and Montenegro, and possibly of the Serbian Orthodox Church. He is also guarded by a loyal cadre of security officers. These factors have certainly helped Karadzic to remain at large. But the poor performance of NATO

¹² "Sedam godina u balkanskim brdima" ("Eight Years in Balkan Hills"), Dani (Sarajevo), January 11, 2002.

troops in Bosnia and lack of political will on the part of NATO governments are arguably more important factors in explaining his continued freedom.

1995-1998: NATO Unwilling to Act Decisively

Even if one accepts that Radovan Karadzic is hard to locate today, there was undoubtedly a time when that was not the case, and NATO let him get away. The ICTY indicted Karadzic in July 1995, but he traveled freely through Republika Srpska until the summer of 1997. It was not until 1997 that Karadzic went into hiding, following the first NATO arrest operation against persons indicted by the ICTY in July of that year.¹³

Until mid-1997, NATO commanders argued that their task was not to track down war crimes suspects. Initially, NATO claimed that the mandate of the NATO-led Implementation Force (IFOR) did not cover apprehension at all. It later modified that argument, suggesting instead that the Dayton peace agreement required IFOR and the successor Stabilization Force (SFOR) to make arrests only if peacekeepers “encountered” the suspects in the line of duty.¹⁴ A western diplomat quoted by *US News and World Report* in December 1996 claimed that he had been in negotiations with Karadzic’s chief adviser Jovan Zametica in the spring of 1996 over Karadzic’s surrender, but that Zametica had broken off negotiations after reportedly receiving assurances from the U.S. government that it would not risk the safety of U.S. troops by arresting war crimes suspects.¹⁵

In July 1997, U.K. special forces mounted an arrest operation in the town of Prijedor, Republika Srpska, against two war crime suspects indicted by the ICTY, detaining one and killing the second.

Beginning in 1996, the United States reportedly spent tens of millions of dollars over several years preparing missions, training commandos and gathering intelligence to arrest Karadzic and Mladic. The National Security Agency, an agency within the U.S. Department of Defense which conducts electronic eavesdropping, likewise spent tens of millions of dollars during the same period tracking Karadzic and Mladic. FBI agents and

¹³ Ibid.

¹⁴ “West debates catching Bosnia war crimes suspects,” Reuters, December 20, 1996 (quoting George Joulwan, Supreme Allied Commander in Europe). IFOR ended on December 20, 1996, and was replaced by SFOR on December 21, 1996.

¹⁵ Colin Soloway and Stephen J. Hedges, “How Not to Catch a War Criminal,” *US News and World Report*, December 9, 1996.

U.S. Marshals traveled to Bosnia from the United States, and inspected the fugitives' homes and hideouts.¹⁶

Towards the end of 1997, numerous Western officials made statements to the effect that the arrest of Karadzic and Mladic was "imminent." The spokesperson for the Office of the High Representative, the senior civilian post in Bosnia, told the media in September 1997 that "the clock started ticking for indicted war criminals several weeks ago and their time is up."¹⁷ A top NATO military source told the *Washington Post* in October that "it's a good bet we will get Karadzic and a few others before the end of the year."¹⁸ The same month State Department spokesperson James Rubin said that ICTY indictees who were still at large "must know that the United States remains committed to keeping open all possible options for making them available to the tribunal for prosecution."¹⁹

Despite these statements and the intelligence gathering and other efforts made, no arrest attempt was carried out against either man during this period. Concerns over potential NATO casualties arising during arrest operations, and from subsequent reprisals from the Bosnian Serb population (so-called "force protection" issues) weakened the resolve of NATO commanders to act. NATO officials were also concerned that the arrests would result in the deaths of hundreds of Serbs attempting to protect Karadzic and Mladic, which could provoke further violent reactions by radical Serb elements and reignite the conflict in the former Yugoslavia.²⁰

Mutual distrust among NATO members also hindered the efforts. According to *New York Times* sources, "French officers, whose international peacekeepers control the zone where Karadzic and Mladic have been living, were deeply skeptical. U.S. officers were reluctant to share intelligence with the French, fearing it would leak."²¹ The U.S. distrust was mainly based on an incident from mid-1997, when the U.S. discovered that a French liaison officer in Bosnia, Herve Gourmelon, was leaking plans of Karadzic's arrest to the

¹⁶ Tim Weiner, "U.S. Cancels Plans for Raid on Bosnia to Capture 2 Serbs," *The New York Times*, July 26, 1998.

¹⁷ Tom Walker, "Karadzic arrest is imminent, NATO says, *The Times* (London), September 26, 1997.

¹⁸ William Drozdiak, "NATO Ministers Agree Force Must Stay in Bosnia; Cohen, However, Warns of Difficulties With Congress and a Need to Observe Deadlines," *The Washington Post*, October 2, 1997.

¹⁹ "U.S. Warns Serbs To Follow Croatia's Suit on Suspects," Reuters, October 6, 1997.

²⁰ Tim Weiner, "U.S. Cancels Plans for Raid on Bosnia to Capture 2 Serbs," *The New York Times*, July 26, 1998.

²¹ Ibid.

ICTY indictee.²² The French Defence Ministry claimed that its liaison officer had “maintained various contacts consonant with his orders,” and denied that these contacts jeopardized arrest of Karadzic. Yet, the French Defense Ministry recalled Gourmelon to France in December 1997, “as soon as the course of these contacts could have appeared questionable.”²³ A *Time* magazine journalist who co-authored a book about the Amber Star plan—named after a secret cell of United States and NATO military officers who shared intelligence and developed ideas—concluded that Washington’s distrust of Paris was among the reasons military operations to capture Karadzic did not take place.²⁴

According to the *New York Times*, U.S. and French officials dropped the Amber Star plan in mid-1998. Although U.S. officials contacted by *Time* in late July or early August 1998 denied this, they admitted that a raid had become unlikely.²⁵ Their hope was that the economic, political, and personal power of the two men would gradually wane. As a result, the two fugitives would, in the words of one U.S. official, “drop like rotten fruit” into NATO’s hands.²⁶ This has proved to be wishful thinking.

1999-2005: Inaction and a Handful of Failed Arrest Efforts

After several years of inaction, NATO peacekeepers renewed their efforts to apprehend Karadzic in 2002. Between 2002 and 2004, NATO made three confirmed attempts to arrest him. (As noted below, there were also reports of another effort in 2001, which SFOR denied took place.) In addition, NATO troops carried out a number of high-profile operations linked to the effort to arrest Karadzic. Like the flurry of NATO activity in 1997 and 1998, these operations failed to deliver Karadzic to justice.

July 13, 2001

The alleged 2001 arrest operation was first reported by *The Observer* (London). Relying on three anonymous SFOR sources, the newspaper claimed that U.K. special forces had tried to apprehend Radovan Karadzic on July 13, 2001, in the area around Foca, in

²² R. Jeffrey Smith, “Secret Meetings Foiled Karadzic Capture Plan; U.S. Says French Jeopardized Mission,” *The Washington Post*, April 23, 1998; Thomas Sanction and Gilles Delafon, “The Hunt For Karadzic,” *Time*, August 10, 1998.

²³ Charles Trueheart, “France Denies Officer Who Met With Karadzic Compromised Plans for Arrest,” *The Washington Post*, April 24, 1998.

²⁴ “Washington, Paris Planned Raid to Seize Serb ex-Leader, Book Says,” *Chicago Tribune*, January 6, 1999 (quoting journalist Tom Sanction of *Time Magazine*, co-author of the book “Dear Jacques, Cher Bill”). See also, R. Jeffrey Smith, “Secret Meetings Foiled Karadzic Capture Plan; U.S. Says French Jeopardized Mission,” *The Washington Post*, April 23, 1998.

²⁵ Thomas Sanction and Gilles Delafon, “The Hunt For Karadzic,” *Time*, August 10, 1998.

²⁶ Tim Weiner, “U.S. Cancels Plans for Raid on Bosnia to Capture 2 Serbs,” *The New York Times*, July 26, 1998; see also, Thomas Sanction and Gilles Delafon, “The Hunt For Karadzic,” *Time*, August 10, 1998.

southeastern Republika Srpska. According to the newspaper, at least two NATO soldiers were wounded by Karadzic's bodyguards during the operation.²⁷ Some media in Serbia went even further and claimed that ten British soldiers were killed in the operation.²⁸ However, a spokesman for the British Defense Ministry and an SFOR spokesperson both denied that the event had taken place at all.²⁹ Similarly, the head of the main political party in Republika Srpska said in an interview later the same month that that Bosnian Serb police had no information about a rumored failed arrest attempt by British special forces.³⁰

February 28-March 1, 2002

The first publicized attempt to capture Radovan Karadzic occurred on the morning of February 28, 2002, when NATO-led forces staged "Operation Daybreak Celebici." According to Reuters, "Soldiers from the NATO-led SFOR peacekeeping force disembarked from helicopters and poured into the village of Celebici in mountainous southeastern Bosnia on Thursday morning and sealed it off.... Soldiers used explosives to break into buildings."³¹ Soldiers searched around forty buildings in Celebici, and entered eighteen with the use of explosives.³² U.S. troops led the airborne forces, while French, German and Italian troops were on the ground to seal off roads.³³ A NATO official confirmed to Reuters that explosives were used.³⁴ SFOR reportedly cut off electricity and phone lines in the area during the operation.

²⁷ Nicholas Wood & Peter Beaumont, "Karadzic escapes NATO's night raiders," *The Observer*, July 15, 2001 [online], <http://www.observer.co.uk/international/story/0,6903,522097,00.html> (retrieved June 5, 2005).

²⁸ Tanjug news agency, "SFOR denies British SAS members killed in attempt to arrest Karadzic," BBC Monitoring European, July 15, 2001.

²⁹ Philippa Fletcher, "Milosevic arrest child's play compared with Karadzic," Reuters, July 26, 2001; see also, Tanjug news agency, "SFOR denies British SAS members killed in attempt to arrest Karadzic," BBC Monitoring European, July 15, 2001.

³⁰ Philippa Fletcher, "NATO best for war crimes hunt-Bosnian Serb leader," Reuters, July 19, 2001 (interview with Dragan Kalinic, then-leader of the Serb Democratic Party). A week later, approximately 1,200 NATO troops carried out military exercises code-named Cerberus, again in the Foca area, amid press reports that the troops might be getting ready to seize Radovan Karadzic. A NATO spokesman however denied that the exercises were linked to Karadzic's fate. "NATO troops hold exercise near reported Karadzic hideout," Agence France-Presse, July 18, 2001.

³¹ Damir Sagolj, "NATO fails to net Karadzic in Bosnia village swoop," Reuters, February 28, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=7012 (retrieved June 5, 2005).

³² Ibid. (statement by Republika Srpska Prime Minister Mladen Ivanic, based on the information provided to him by SFOR's commander John Sylvester).

³³ Ibid.

³⁴ Damir Sagolj, "NATO fails to net Karadzic in Bosnia village swoop," Reuters, February 28, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=7012 (retrieved June 5, 2005).

Karadzic and his men were not found. Notably, SFOR troops launched the raid at dawn on February 28, more than twenty-four hours after Karadzic had been sighted at Celebici (on the night of February 26).³⁵ Moreover, armored vehicles approaching Celebici along the only road from Foca would have warned locals that a raid was about to begin.³⁶

Subsequent information suggests that the arrest attempt may have been thwarted from within. According to the *Sunday Herald* newspaper, citing military sources, on the morning of the Celebici raid, “a French officer took a call from a Republika Srpska policeman inquiring about a large SFOR presence. In the call, monitored by peacekeeping forces, the French officer obliquely referred to the area being of interest, ‘today in particular.’”³⁷ A Croatian newspaper also claimed that the French had tipped off Bosnian Serbs loyal to Karadzic about the NATO action.³⁸ However, Lord Robertson, Secretary General of NATO, made a statement soon after claiming that “allegations …about a leak to the Bosnian Serb authorities regarding the raid on Celebici on the morning of 28 February are pure speculation.”³⁹

The day after the first operation in Celebici, SFOR made a second failed attempt to apprehend Karadzic, reportedly acting upon intelligence that he was still hiding in the area.⁴⁰ In a statement, SFOR said that SFOR multinational soldiers conducted the operation with combined ground and air forces.⁴¹ An eyewitness told CNN that SFOR helicopters landed on hills near the village and about twenty-five soldiers disembarked to conduct searches for an hour.⁴² In contrast to the action from the previous day, the

³⁵ Robert Fox & Julius Strauss, “German troops seal border to bar Karadzic’s escape,” *The Sunday Telegraph*, March 3, 2002.

³⁶ *Ibid.*

³⁷ Russ Baker, “Special report: The hunt for Radovan Karadzic,” *The Sunday Herald* (U.K.), February 8, 2004 [online], <http://www.sundayherald.com/39843> (retrieved June 5, 2005).

³⁸ Ana Raic-Knezevic & Boris Pavelic, “SFOR u protekla dva mjeseca najmanje tri puta točno znao gdje je Ratko Mladić” (“In The Past Two Months SFOR Knew Three Times Exactly Where Ratko Mladić Was”), *Novi List* (Rijeka, Croatia), March 6, 2002 [online], <http://www.novilist.hr/Default.asp?WCI=Pretrazivac&WCU=285E2863285B2863285A28582858285A286328962897289E28632863285E2859285A285D28632863286328582863V> (retrieved June 5, 2005).

³⁹ “No proof of French tip-off, says Nato,” BBC News Online, March 4, 2002 [online], <http://news.bbc.co.uk/1/hi/world/europe/1854497.stm> (retrieved June 22, 2005).

⁴⁰ “Reuters: NATO troops fail to seize Karadzic in second swoop on Friday,” *OHR Media Round-up*, March 01, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=7015#1 (retrieved June 5, 2005).

⁴¹ *Ibid.*

⁴² “NATO dismay over Karadzic mission,” CNN web site, March 4, 2002 [online], <http://archives.cnn.com/2002/WORLD/europe/03/01/nato.karadzic/> (retrieved June 5, 2005).

soldiers did not enter any houses, confining their search to woods surrounding the village.

January 11-13, 2004

A second arrest attempt took place in January 2004. Between January 11 and 13, NATO troops raided the house of Radovan Karadzic, a Serb Orthodox church, a local clinic and other buildings associated with the Karadzic family in Pale, the former capital of the Republika Srpska, located 10 miles east of the Bosnian capital Sarajevo. A spokesman for the Alliance said NATO was acting on a tip that Karadzic had sought urgent medical attention in Pale.⁴³ Hundreds of U.S., British, and Italian soldiers, some with sniffer dogs, searched the area. NATO seized a number of documents⁴⁴ and detained three people for questioning.⁴⁵ Karadzic was not among those detained.

April 1, 2004

A third effort took place during the night of April 1, 2004. British NATO troops, backed by local police, sealed off the area surrounding the residence of a Serbian Orthodox priest in the center of Pale and used explosives to break into the building.⁴⁶ The priest, Jeremija Starovlah, 52, and his son Aleksandar, 28, were seriously wounded during the operation.⁴⁷ A NATO spokesman in Bosnia said that the sweep was an attempt to capture Karadzic.⁴⁸ The local Bosniac press reported that Karadzic managed to escape only a few hours before the search operation started, because the Republika Srpska Army Intelligence Service uncovered the plan and arranged Karadzic's transfer to a military barracks near Pale.⁴⁹

⁴³ "Karadzic eludes NATO raid," Reuters, April 1, 2004.

⁴⁴ Nicholas Wood, "NATO troops step up hunt for ex-Bosnian Serb leader," *Chicago Tribune*, January 15, 2004.

⁴⁵ "Karadzic eludes NATO raid," Reuters, April 1, 2004.

⁴⁶ Radul Radovanovic, "NATO Fails to Net Serb War-Crimes Suspect," Associated Press, April 1, 2004 [online], <http://www.newsday.com/news/nationworld/world/wire/sns-ap-bosnia-war-crimes,0,2171264.story?coll=sns-ap-world-headlines> (retrieved June 5, 2005).

⁴⁷ "NATO effort to capture Karadzic fails," *International Herald Tribune*, April 2, 2004 [online], <http://www.iht.com/articles/513099.htm> (retrieved June 5, 2005).

⁴⁸ Radul Radovanovic, "NATO Fails to Net Serb War-Crimes Suspect," Associated Press, April 1, 2004 [online], <http://www.newsday.com/news/nationworld/world/wire/sns-ap-bosnia-war-crimes,0,2171264.story?coll=sns-ap-world-headlines> (retrieved June 5, 2005).

⁴⁹ "War criminal Karadzic saved by VRS intelligence officers," *NATO/SFOR Main News Summary* [Source: *Dnevni avaz*], April 7, 2004 [online], <http://www.nato.int/sfor/media/2004/ms040407.htm> (retrieved June 5, 2005).

Other NATO Activities Linked to the Apprehension of Karadzic

In addition to the three (or four) arrest operations, NATO peacekeepers in Bosnia have carried out a variety of activities related to the overall effort to bring Karadzic to justice. Whether these activities have generated valuable intelligence on Karadzic's whereabouts or merely created the appearance of progress is hard to say.

Raids on the homes of Karadzic family members

NATO has made a number of raids on the homes of Radovan Karadzic's family members in Pale since 2002. NATO claims the raids were aimed at obtaining evidence that could help NATO capture him or other war crimes indictees. On July 2, 2002, about thirty masked French soldiers, backed by a helicopter, stormed the house of Radovan Karadzic. The troops broke a metal gate and ransacked the house⁵⁰ and seized a computer hard drive and three handguns.⁵¹ On August 26 and 27, 2003, peacekeepers from the United States, France, and Italy inspected the home of Karadzic's daughter, a private medical practice belonging to his wife, a police station, and two other sites.⁵² On February 19, 2004, SFOR troops searched Radio St. Jovan, owned by Karadzic's daughter, and the communication system of the Pale post office.⁵³

Most recently, on May 26 and 27, 2005, dozens of U.S. NATO troops searched the house of Karadzic's wife and the homes of his son and daughter. The troops "look[ed] for evidence and information about movements and whereabouts of Karadzic, his support network and other war crimes suspects," a NATO spokesperson said.⁵⁴ According to the spokesperson, Republika Srpska police assisted the U.S. troops to prevent possible unrest by the local Serb population. U.S. soldiers seized a computer and unspecified boxes from the homes of Karadzic's children.⁵⁵

⁵⁰ Julius Strauss, "French in raid on deserted Karadzic home," *The Daily Telegraph*, July 3, 2002; "SFOR raids Karadzic's house in Pale," *OHR Media Round-up*, July 3, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=24870 (retrieved June 5, 2005); Dejan Jazvic & Branka Stevandic, "Pripadnici francuskog bataljuna SFOR-a jucer izveli prepad na praznu kuću jednog od najtraženijih haskih optuznika" ("Members of the French SFOR Raided the Empty House of One of the Most Wanted Hague Indictees Yesterday"), *Vecernji list* (Zagreb), July 3, 2002 (statement by Zoran Glusac, spokesperson for the Republika Srpska Ministry of Interior).

⁵¹ Julius Strauss, "French in raid on deserted Karadzic home," *The Daily Telegraph*, July 3, 2002.

⁵² "NATO says operations at Karadzic family homes 'successful,'" Agence France Presse, August 28, 2003; Radul Radovanovic, "Peacekeepers patrol outside home of top U.N. war crimes fugitive's daughter for second day," Associated Press, August 27, 2003.

⁵³ "Main News Summary," *NATO/SFOR Main News Summary*, February 20, 2004 [online], <http://www.nato.int/sfor/media/2004/ms040220.htm> (retrieved June 5, 2005).

⁵⁴ "NATO intensifies search for war crimes fugitive Karadzic," *Irish Times*, May 27, 2005.

⁵⁵ S. Turcalo, "Nastavljenja potraga za ratnim zlocincem na Palama" ("Pursuit of the War Criminal Continued"), *Dnevni avaz*, May 27, 2005.

The August 2002 “Information Gathering Operation”

Between August 14 and 16, 2002, hundreds of SFOR peacekeepers carried out a three-day operation in south-eastern Republika Srpska. The principal stated goal was to gather information on Karadzic’s support network in the region.⁵⁶ In the areas of Foca, Visegrad, and Trebinje, SFOR troops established checkpoints to monitor persons and vehicles; SFOR also questioned several individuals and searched a number of locations.⁵⁷ SFOR stated that the focus of the operation was not Karadzic’s arrest, although “SFOR would do so if circumstances permit.”⁵⁸ No one was detained during the operation.⁵⁹

Dissemination of leaflets

On March 13 and 19, 2002, SFOR helicopters dropped so-called K-mark leaflets in eastern Republika Srpska, calling on citizens to help arrest Radovan Karadzic, as part of the U.S. government’s Rewards for Justice program.⁶⁰ The leaflets, offering a five million-dollar reward for information leading to Karadzic’s arrest, showed his photograph and information on the award on the front, and a color photocopy of a fifty convertible mark (Bosnian currency) note on the back.⁶¹ SFOR used helicopters to distribute copies of the arrest warrants against Karadzic in the towns of Srebrenica, Vlasenica, and Han Pijesak. On July 2 and 3, SFOR dropped further leaflets over several towns in eastern Republika Srpska, including Vlasenica, Han Pijesak, and Visegrad.⁶²

Alleged Sightings of Radovan Karadzic

After 1997, when Karadzic went into hiding, the NATO forces in Bosnia and Herzegovina have often claimed that lack of knowledge of his whereabouts makes it difficult to arrest him. That claim is hard to assess without knowing the state of

⁵⁶ SFOR Press release, August 16, 2002 [online], <http://www.nato.int/sfor/trans/2002/t020816a.htm> (retrieved June 9, 2005); “SFOR zadovoljan akcijom u Celebicima kod Srbinja” (“SFOR Satisfied with the Action in Celebici near Srbinje”), *Nezavisne* (Banja Luka), August 17, 2002.

⁵⁷ *Ibid.*

⁵⁸ “SFOR official says Celebici action against Karadzic’s support network,” *OHR Media Round-up*, August 15, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=27697 (retrieved June 5, 2005).

⁵⁹ “Zavrsena akcija otkrivanja mreže podrske Radovanu Karadzicu” (“The Action Aimed at Discovering the Radovan Karadzic Support Network Ends”), *Nezavisne* (Banja Luka), August 16, 2002.

⁶⁰ The program covers persons indicted by the ICTY and International Criminal Tribunal for Rwanda, as well as persons suspected of involvement in terrorism. See the War Crimes page of the Rewards for Justice Program, n.d. [online], <http://www.rewardsforjustice.net/english/warcrimes/index.cfm?page=ywc>.

⁶¹ “SFOR Drops a Second Wave of Karadzic Leaflets in Bosnia,” DPA, March 19, 2002 [online], <http://www.europeaninternet.com/bosnia/news.php3?id=1597500> (retrieved June 5, 2005).

⁶² Beta news agency, “NATO force in Bosnia drops leaflets requesting information on Karadzic, Mladic,” BBC Monitoring European, July 3, 2002.

knowledge of NATO forces. But several factors suggest that the claim is primarily a fig-leaf for NATO inaction.

First, it is clear that when significant intelligence assets were directed at locating Karadzic between 1996 and 1998, those assets generated specific information on his whereabouts. There is no reason to conclude that if similar efforts had been made in the past five years, the world's most technologically advanced armies would have come up empty-handed.

Second, regular sightings of Karadzic reported by the ICTY Prosecutor and leading Bosnian newspapers call into question NATO's claim that it is unable to locate Karadzic. The alleged sightings have been particularly frequent during 2005, in connection with the death and funeral of Karadzic's mother. In none of the cases documented below did the NATO forces or the local police attempt to capture Karadzic.

Sightings of Karadzic Before 2005

The majority of reported sightings of Karadzic have occurred in the region between Sarajevo and the southeastern corners of Bosnia, near the border with Serbia and Montenegro. On September 7, 2000, for example, a leading Bosnian daily, *Oslobodjenje*, quoted a source close to the Bosnian Serb government as saying that Radovan Karadzic had been present at a small bar in Lukavica, the Serb-controlled suburb of Sarajevo, on September 2.⁶³

Karadzic has been sighted elsewhere in Bosnia. In May 2002, ICTY Chief Prosecutor Carla Del Ponte told the daily *La Tribune de Genève* that her sources indicated that Karadzic was hiding in the Banja Luka region, in northwestern Bosnia.⁶⁴

Karadzic also appears to have made use of the porous border in the mountainous region between Bosnia and Montenegro. On March 6, 2003, Del Ponte claimed that Karadzic was moving between Republika Srpska and Montenegro, and that he might be at the

⁶³ "Karadzic seen in Bosnia capital Sarajevo – report," Reuters, September 7, 2000.

⁶⁴ "Carla Del Ponte: Mladic in Belgrade, Karadzic in RS," *OHR Media Round-up*, May 02, 2002 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=7671 (retrieved June 5, 2005). Del Ponte claimed that local authorities hesitated to arrest Karadzic because of his numerous armed guards. Republika Srpska defense minister Slobodan Bilic stated that he had no information about Karadzic being in Banja Luka. See, V. Popovic, "Ministar odbrane RS i SFOR povodom izjave Karle del Ponte" ("RS Defense Minister and SFOR About Carla del Ponte's Statement"), *Nezavisne* (Banja Luka), May 3, 2002.

Ostrog monastery, near Niksic (Montenegro).⁶⁵ The information was reportedly based on monitored telephone communications.⁶⁶ Montenegrin officials denied that Karadzic was in Ostrog. Milan Filipovic, Montenegrin Interior Minister, said on March 11, 2003, that his ministry “contacted all sources of this information, but no one has confirmed it.”⁶⁷ In January 2004, Dragisa Burzan, Minister of Foreign Affairs of Montenegro, said that the allegation that Karadzic was hiding in the Ostrog monastery was “nonsense.”⁶⁸

Sightings of Karadzic in 2005

Reported sightings of Karadzic have multiplied since April 2005. According to *The Guardian*, Radovan Karadzic had lunch with his wife on April 14, 2005, in a restaurant on the Foca-Gacko roadway, in southeastern Republika Srpska, “apparently in readiness for the death of his mother and to prepare for her funeral.”⁶⁹

The head of the Bosnian Federation police, Zlatko Miletic, told the media in early May 2005 that the actual date on which Karadzic had the lunch with his wife was April 7, 2005. Miletic said that the Federation police believed the information about Karadzic’s presence at the location was reliable, and that the police had therefore notified the office of the Bosnian state prosecutor, as well as the all-Bosnian intelligence service, the State Investigations and Protection Agency.⁷⁰ The prime minister of Republika Srpska, Pero Bukejlovic, stated that his government had no knowledge of the sighting of Karadzic—a claim denied by Miletic.⁷¹ Karadzic’s wife denied that she had seen her husband in mid-April, saying that “it is not possible, as those who follow me know well.”⁷²

⁶⁵ “Daily Survey,” web site of the Ministry of Foreign Affairs of Serbia and Montenegro, March 7, 2003 [online], http://www.mfa.gov.yu/Bilteni/Engleski/b070303_e.html (retrieved June 5, 2005).

⁶⁶ See, Russ Baker, “Special report: The hunt for Radovan Karadzic,” *The Sunday Herald* (U.K.), February 8, 2004 [online], <http://www.sundayherald.com/39843> (retrieved June 5, 2005).

⁶⁷ [SRNA News Agency.] “Hague Heavies in Montenegro,” UNMIK - Division of Public Information/Media Monitoring, March 11, 2003 [online], <http://www.unmikonline.org/press/2003/wire/mar/imm110303PM.htm> (retrieved June 5, 2005).

⁶⁸ “Allegation that Karadzic was hiding in Ostrog monastery is nonsense,” NATO/SFOR Main News Summary, Thursday, January 29, 2004, [online], <http://www.nato.int/sfor/media/2004/ms040129.htm> (retrieved June 5, 2005).

⁶⁹ Ian Traynor, “Dying mother brought war crimes suspect out of hiding,” *The Guardian*, May 9, 2005.

⁷⁰ Az. Kalamujic, “Zlatko Miletic obavijestio Tuzilastvo BiH i SIPA” (“Zlatko Miletic Notified the BH Prosecutor and SIPA”), Oslobođenje (Sarajevo), May 11, 2005. According to the witnesses, Miletic said, there was only one person in the restaurant who appeared to be acting as Karadzic’s guard.

⁷¹ Az. Kalamujic, “Zlatko Miletic obavijestio Tuzilastvo BiH i SIPA” (“Zlatko Miletic Notified the BH Prosecutor and SIPA”), Oslobođenje (Sarajevo), May 11, 2005.

⁷² “Ljiljana Zelen – Karadzic: Nisam vidjela Radovana” (“Ljiljana Zelen – Karadzic: I Did Not Meet With Radovan”), Oslobođenje (Sarajevo), May 11, 2005.

In mid-April, according to *The Guardian*, Karadzic was spotted again, this time in Belgrade, with his brother, presumably to prepare for their mother's funeral.⁷³ The alleged meeting took place "a week after th[e] sighting [with his wife]."⁷⁴

According to the Sarajevo daily *Dnevni avaz*, Karadzic was also present at his mother's funeral on May 7, in Niksic in Montenegro. Invoking an experienced Bosnian intelligence officer who has reportedly tracked Karadzic for foreign intelligence services, *Dnevni avaz* claimed that Karadzic stayed inside the St. Peter church during the burial ceremony, where only priests and members of the close family were allowed access.⁷⁵ If true, this information would indicate that the international forces in Bosnia failed to apprehend Karadzic as he crossed the border from Bosnia into Montenegro, despite having reportedly stepped up their patrols on the border in case of a sighting.⁷⁶

Anybody Left To Capture Karadzic?

The local government in Bosnia and Herzegovina retains primary responsibility for arresting war crimes indictees. The government of Republika Srpska, where Karadzic is believed to be hiding, bears much of the blame for the fact that he is still at large. In practice, Republika Srpska's dismal record on war crimes accountability means that Karadzic is unlikely to face justice without action by international forces in Bosnia.

There are currently 7,000 European Union Force (EUFOR) troops in Bosnia and Herzegovina. EUFOR's mandate is to ensure compliance with the Dayton Peace Agreement and to contribute to a safe and secure environment in Bosnia and Herzegovina.⁷⁷ Among its key "supporting tasks" is to "provide support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, including the detention of PIFWCs [persons indicted for war crimes]."⁷⁸ As of April 2005, Germany was contributing with the greatest number of troops—1227, followed by Italy (1032), United Kingdom (669), Spain (538), The Netherlands (447), and France (381). Sixteen more E.U. member states have smaller contingents in theater,

⁷³ Ian Traynor, "Dying mother brought war crimes suspect out of hiding," *The Guardian*, May 9, 2005.

⁷⁴ Ibid.

⁷⁵ E. S., *Ipak bio na sahrani u Niksicu!* ("He Was at the Funeral in Niksic, After All!"), *Dnevni avaz* (Sarajevo), May 10, 2005.

⁷⁶ Ian Traynor, "Dying mother brought war crimes suspect out of hiding," *The Guardian*, May 9, 2005.

⁷⁷ "EU military operation in Bosnia and Herzegovina, EUFOR website, n.d. [online], <http://www.euforbih.org/mission/mission.htm> (retrieved June 5, 2005).

⁷⁸ Ibid.

and so do eleven non-E.U. states.⁷⁹ In addition, a 150-men contingent of U.S. troops remains in Bosnia, as part of a small NATO mission, to carry out anti-terrorist operations and hunt war crimes suspects.⁸⁰

Between 1997, when NATO carried out its first arrest of an indicted war crimes suspect in Bosnia, and today, the number of the international troops has shrunk from 31,000 to 7,000. However, the reduction in troop strength does not necessarily render the task of apprehending war crimes suspects more difficult. Political will and good intelligence are more important than large numbers of troops. A small group of well-trained commandos may be able to carry out the task more effectively, by preserving the element of surprise.

The Failure to Arrest Ratko Mladic

In the ten years since the end of war in Bosnia, Ratko Mladic is believed to have divided his time between Bosnia and Serbia, spending the majority of the first half in Bosnia and the second half in Serbia, and moving occasionally from one country to the other. Responsibility for the failure to bring him to justice during the late 1990s lies primarily with the authorities of the Republika Srpska and NATO forces. In the past five years, primary responsibility falls on the government of Serbia.

Mladic in Bosnia (1996-2000)

In the first year after the war, Ratko Mladic was still the Republika Srpska Army Chief of Staff. He left the post in December 1996, two months after his dismissal by president of Republika Srpska, Biljana Plavsic.⁸¹ Mladic lived in the southeast part of Bosnia, in the French sector of SFOR, for the following three or four years.⁸² NATO made no attempt to arrest Mladic while he was still resident in Bosnia, and only one attempt during his subsequent visits to Bosnia after moving to Serbia.

⁷⁹ "EUFOR Troop Strength," EUFOR web site, April 7, 2005, [online]
<http://www.euforbih.org/organisation/strength.htm> (retrieved June 5, 2005).

⁸⁰ "U.S. Troops Mark End Of Mission In Bosnia," Associated Press, November 25, 2004. EUFOR replaced SFOR in December 2004.

⁸¹ Tom Hundley, "Bosnian Serbs in disarray; Elected leaders, dismissed army head locked in standoff," Chicago Tribune, December 8, 1996. Biljana Plavsic received an eleven year prison sentence at the ICTY on February 27, 2003, after pleading guilty to a crime against humanity committed against non-Serbs during the 1992-95 war in Bosnia.

⁸² See, for example, "Solana defends France in row over arrests of Bosnian war crimes suspects," Agence France-Presse, December 15, 1997; see also, U.S. Department of State, "Serbia-Montenegro Country Report on Human Rights Practices for 1998," February 26, 1999 [online],
http://www.state.gov/www/global/human_rights/1998_hrp_report/serbiamo.html (retrieved June 5, 2005).

U.S. military intelligence officers told *U.S. News and World Report* in 1996 that Mladic was fairly easy to track because he traveled with a radio in his vehicle. Two U.S. military sources also told the magazine that “for at least the first six months of the NATO mission, high-ranking officers were in regular contact with Mladic, making sure that he understood the requirements of military implementation of the Dayton peace agreement.”⁸³

Reported sightings of Mladic in Bosnia became less frequent after 1997. He did not hesitate to appear in public in Serbia and Montenegro, however. In 1997, for example, he spent a week's holiday in the Montenegrin coast and held a party for 300 guests in Belgrade for his son's wedding.⁸⁴

Denials from Serbia (2000-2005)

In 2000, the international media reported that Mladic had settled in Serbia,⁸⁵ while continuing to visit Bosnia. Initially, Mladic lived in a secluded villa in the Banovo Brdo neighborhood of Belgrade, protected by a dozen security guards who were paid from a fund set up by local businesses and former army associates.⁸⁶ During 2000, Mladic apparently moved from Belgrade to Valjevo, in Serbia's central-west, and was living there when opposition parties in Serbia removed Slobodan Milosevic from power in October that year.⁸⁷ There is no credible information available about Mladic's exact whereabouts in Serbia since 2001. It appears, nevertheless, that throughout this period Mladic was protected by elements of the army in Serbia that lie outside the effective control of the government.⁸⁸

⁸³ Colin Soloway and Stephen J. Hedges, “How Not to Catch a War Criminal,” *US News and World Report*, December 9, 1996.

⁸⁴ Dragan Cicic, “Butcher’ Mladic to pen memoirs,” *The Sunday Times*, August 17, 1997.

⁸⁵ “Top Bosnian Serb official arrested,” BBC News Online, April 3, 2000, http://news.bbc.co.uk/hi/english/world/europe/newsid_699000/699623.stm (retrieved June 5, 2005); [Reuters], “Bosnian envoy calls for Karadzic arrest,” CNN web site, November 20, 2000, [online] <http://archives.cnn.com/2000/WORLD/europe/11/20/bosnia.envoy/> (retrieved June 5, 2005).

⁸⁶ See, for example, Tom Walker and Alex Todorovic, “Skulking Mladic considers surrender,” *The Sunday Times* (London), January 6, 2002 [online], <http://www.sunday-times.co.uk/article/0,,9004-2002005239,00.html> (retrieved June 5, 2005).

⁸⁷ The head of the Serbian State Security service in 2001, Goran Petrovic, recently told the media that Ratko Mladic was not arrested in late 2000 although the State Security informed the then-president of Serbia and Montenegro, now Serbian Prime Minister, Vojislav Kostunica, that Mladic was living in Valjevo. “Petrovic: Mladic bio u Valjevu,” (“Petrovic: Mladic Had Been in Valjevo”), B92 website, June 13, 2005, [online] http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=13&nav_id=170450&nav_category=64 (retrieved June 13, 2005).

⁸⁸ For many years after going into hiding, Mladic continued to be on the Army list of officers. “On 16 June 2001, Mladic was removed from the records of the [Yugoslav Army] professional soldiers. On 7 March 2002, the professional military service of Mladic ceased for service requirements, and he was discharged from

For more than a year after the fall of Slobodan Milosevic (in October 2000), the new Serbian authorities argued that they lacked the political power to arrest Mladic. In interviews with two German newspapers (*Der Spiegel* and *Frankfurter Rundschau*) in February and April 2002, Prime Minister Zoran Djindjic said that Serbia was not capable of arresting Mladic because the risk of unrest was too high.⁸⁹ The president of the National Council for Cooperation with the ICTY, foreign minister Goran Svilanovic, made a similar argument in January 2003, claiming that even if Mladic was in the country, his arrest was beyond the abilities of the state agencies.⁹⁰

During 2001, some high-ranking officials claimed that Mladic was not in Serbia, but other officials eventually acknowledged that he had been in Serbia during that year. The interior minister of Serbia, Zoran Zivkovic, reportedly told a press conference in July 2001 that Ratko Mladic did not live in Serbia.⁹¹ In May 2002, however, the new interior minister Dusan Mihajlovic, said that Mladic left the territory of Serbia “several months earlier”—clearly implying that Mladic had recently been in Serbia.⁹² Another minister in the Serbian government, speaking on condition of anonymity, told the Associated Press in March 2002 that Mladic had been living off-and-on in Serbia since 1996, and was still there—another statement implying that during 2001 Mladic was in Serbia.⁹³ The contradictory statements coming from the Serbian officials in 2001 and 2002 made it difficult for the international community to believe the government’s subsequent claims about Mladic’s whereabouts.

professional military service as of 28 February 2002.” International Criminal Tribunal for the former Yugoslavia, Prosecutor of the Tribunal vs. Momcilo Perisic, Indictment, February 22, 2005, Schedule E.

⁸⁹ “Hapsenje Karadzica i Mladica zadatak medjunarodnih snaga” (“Arrest of Karadzic And Mladic – Task for International Forces”), B92 web site [online], April 19, 2002 http://www.b92.net/info/vesti/index.php?yyyy=2002&mm=04&dd=19&nav_id=58295&nav_category=1 (retrieved June 5, 2005) (summarizing Zoran Djindjic’s interview with *Frankfurter Rundschau*); “Serbian premier refuses to arrest Bosnian Serb war crimes suspect Mladic,” BBC Worldwide Monitoring, February 25, 2002 (summarizing Zoran Djindjic’s interview with *Der Spiegel*). In the interview for “Der Spiegel,” Djindjic explained: “We have more than 200,000 Bosnian refugees here in Serbia, many of whom have weapons in their possession. The price is too high.”

⁹⁰ Zorana Suvakovic, “Nacionalno dostojanstvo podrazumeva sopstvenu odgovornost” (“National Dignity Implicitly Includes Responsibility”), Politika (Belgrade), January 26, 2003 (interview with foreign minister of Serbia and Montenegro Goran Svilanovic).

⁹¹ “Zivkovic: Mladic nije u SRJ” (“Zivkovic: Mladic Not in F[ederal] R[epublic of] Y[ugoslavia]”), B92 web site, July 13, 2001 [online], http://www.b92.net/info/vesti/index.php?yyyy=2001&mm=07&dd=13&nav_id=27833&nav_category=1 (retrieved June 5, 2005).

⁹² “Mladic nije u Srbiji” (“Mladic Not in Serbia”), Glas javnosti, May 10, 2002 [online], <http://arhiva.glas-javnosti.co.yu/arhiva/srpski/arhiva-index.html> (retrieved June 5, 2005); M. I., M. V. & I.C., “Milutinovic ostaje” (“Milutinovic Stays”), Blic (Belgrade), May 10, 2002 [online], <http://www.blic.co.yu/> (retrieved June 5, 2005).

⁹³ Dusan Stojanovic, “Faced with U.S. deadline, more Serbs could be extradited to U.N. tribunal,” Associated Press, March 26, 2002.

The official line of the authorities in Serbia since early 2002 has been that Ratko Mladic either is not in Serbia, or his whereabouts are unknown. As mentioned above, Dusan Mihajlovic claimed in May 2002 that Mladic had left the territory of Serbia several months earlier.⁹⁴ However, some Serbian officials occasionally departed from the official position and suggested that Mladic might be in Serbia, under the protection of the army. Nenad Canak, the parliamentary speaker of the northern Serbian province of Vojvodina, said in December 2002 that Mladic was living in Serbia with the government's knowledge.⁹⁵ Defense minister of Serbia and Montenegro Boris Tadic claimed in mid-2003 that, while he was receiving assurances from the Main Army Staff that the army was not hiding Mladic, he could not exclude the possibility that some "surprising information" might emerge.⁹⁶ Current foreign minister of Serbia Vuk Draskovic said in April 2005 that he believed Mladic was hiding with the help of Serbian security services.⁹⁷

The current Serbian government of prime-minister Vojislav Kostunica, formed in early 2004, has claimed that it has no information about Mladic's presence in Serbia. In June 2005, Rasim Ljajic, a government minister and president of the National Council for Cooperation with the ICTY, denied reports in the Serbian press about the government's negotiations with Mladic about surrender, blaming journalists for creating a false impression that the government knew where Mladic was.⁹⁸ The same month, other Serbian government officials implied negotiation efforts were underway (see "speculations about arrest" section below).

Allegations about Mladic's Whereabouts in Serbia (2002-2005)

Reported sightings of Mladic in recent years, coupled with claims by the ICTY prosecutor that Mladic is in Serbia, call into question the credibility of the government's denials. Since 2002, the office of the ICTY prosecutor has consistently claimed that

⁹⁴ "Mladic nije u Srbiji" ("Mladic Not in Serbia"), *Glas javnosti*, May 10, 2002 [online], <http://arhiva.glas-javnosti.co.yu/arhiva/srpski/arhiva-index.html> (retrieved June 5, 2005); M. I., M. V. & I.C., "Milutinovic ostaje" ("Milutinovic Stays"), *Blic* (Belgrade), May 10, 2002 [online], <http://www.blic.co.yu/> (retrieved June 5, 2005). According to Mihajlovic, Mladic after the authorities revoked certain benefits he had enjoyed as a retired army general.

⁹⁵ "Bosnian Serb suspect 'still in Serbia,'" BBC News Online, December 28, 2002 [online], <http://news.bbc.co.uk/1/hi/world/europe/2612207.stm> (retrieved June 5, 2005).

⁹⁶ „Tadic: Nemam informaciju o tome da li je Mladić u SCG“ ("Tadic: I Have No Information About Whether Mladic Is in Serbia"), B92 web site, July 30, 2003.

⁹⁷ Daniel Dombey & Eric Jansson, "Serbian authorities 'know where Mladic is hiding', " *Financial Times*, April 5, 2005.

⁹⁸ "Ipak pregovori sa Mladićem?" (Negotiations With Mladic, After All?), B92 web site, June 10, 2005 [online], http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=10&nav_id=170256&nav_category=64 (retrieved June 13, 2005).

Mladic continues to live in Serbia. In November 2002, a source close to the ICTY chief prosecutor told the *Washington Post* that there was credible evidence that on October 21 Mladic had dined with friends at a restaurant in the Topcider district of Belgrade.⁹⁹ The dinner took place as the prosecutor was meeting U.S. and European diplomats at the nearby Swiss ambassador's residence to discuss her efforts to capture Mladic. Also in November 2002, ICTY prosecutor Carla Del Ponte said that five months earlier she had given the responsible Interior Ministry in Belgrade "exact information on where Mladic would be at a particular point. But nothing happened."¹⁰⁰ In January 2003, Del Ponte told a Swiss newspaper that Mladic was receiving medical assistance in a military hospital in Belgrade, and had visited another ICTY indictee in the same hospital, the latter having been provisionally released from the Hague detention due to ill health.¹⁰¹ When Del Ponte visited Belgrade in early March 2003, she said that "even the officials in Belgrade do not deny anymore that Mladic is in Serbia."¹⁰²

The Belgrade newspaper *Danas* recently carried an interview with a former member of the Army of Serbia and Montenegro, detailing the army's involvement in protecting Mladic in 2004. Miroslav D. Petrovic, a military deserter currently hiding in a United States military base in a neighboring country, told *Danas* that his task in the army had been to ensure a safe passage for Mladic from Serbia to Macedonia, should Mladic decide to flee there. Petrovic was entrusted with this task as someone who had worked in the area and knew it well.¹⁰³ Petrovic told *Danas* that in June 2004 he saw Mladic in the military compound Topcider, in Belgrade.¹⁰⁴

The army responded to Petrovic's allegation with unusual promptness, issuing a public statement on the same day the *Danas* article was published. In the statement, the army claimed that Petrovic had a "problematic" personality, was an alcoholic, and made the

⁹⁹ Colum Lynch, "Massacre Suspect Dines in Shadow of War Crimes Officials," *The Washington Post*, November 19, 2002.

¹⁰⁰ Aleksandar Vasovic, "Britain's Foreign Secretary meets top officials over arms trade with Iraq," Associated Press, November 6, 2002.

¹⁰¹ "Del Ponteova: Karadzic i Mladic su mi kao kost u grlu" ("Del Ponte: Karadzic and Mladic Like A Thorn In My Flesh"), B92 web site, January 14, 2003 [online], http://www.b92.net/info/vesti/index.php?yyyy=2003&mm=01&dd=14&nav_id=80982&nav_category=11 (retrieved June 5, 2005) (summarizing Carla Del Ponte's interview with the newspaper *Tages Anzeiger*).

¹⁰² B. Boskov, "Vojska ne osigurava Mladica" ("Army Does Not Protect Mladic"), *Oslobodjenje* (Sarajevo), March 11, 2003.

¹⁰³ "Zivo meso Ratka Mladica" ("Ratko Mladic's Cannon Fodder"), *Danas*, April 11, 2005.

¹⁰⁴ Ibid. Four months after the alleged sighting, two soldiers were killed in the compound. The incident has not been resolved, despite an investigation by an independent civilian commission of inquiry. The media and opposition politicians have argued that the soldiers must have seen ICTY fugitives and were killed as unwelcome witnesses.

allegation in order to achieve personal celebrity.¹⁰⁵ The ad-hominem nature of the criticism against Petrovic only strengthened suspicions about the army's role in protecting the ICTY fugitive.

Citing intelligence sources in Bosnia, Sarajevo daily *Dnevni avaz* reported in early May 2005 that Mladic was hiding in an army compound in Pancevo, Serbia.¹⁰⁶ Around the same time, the United States ambassador to Serbia and Montenegro, Michael Polt, stated that the United States believed Mladic was still in Serbia.¹⁰⁷

Brief Return to His Wartime Base in Bosnia (June/July 2004)

In June and July 2004, according to EUFOR and the Office of the High Representative (OHR) in Bosnia and Herzegovina, Ratko Mladic was hiding in an underground military bunker in the village of Veliki Zep, near Han Pijesak in Republika Srpska. Mladic allegedly left Serbia after it elected a pro-western President, Boris Tadic, in June 2004.¹⁰⁸

In an apparent reference to Han Pijesak, General David Leakey, the British commander of the European Union Force (EUFOR), said in a December 2004 interview that Mladic "visited his wartime base outside Sarajevo around June 28 to celebrate the Bosnian Serb Army holiday with his pals." According to Leakey, NATO troops raided the base on July 2, but failed to find him there.¹⁰⁹ *Dnevni avaz* reported that information about the planned EUFOR raid was leaked to Mladic, and he left the Bosnian territory for neighboring Montenegro.¹¹⁰ *The Times* (London) reported that Mladic slipped the net with the help of members of the Bosnian Serb military.¹¹¹

¹⁰⁵ "Generalstab VSCG: Problematična ličnost" ("S&M Army Main Staff: Problematic Personality"), *Danas*, April 12, 2005.

¹⁰⁶ E. Sarac, "Pod istragom NATO-a dva pripadnika Vojske SCG i jedan Vojske RS" ("NATO Investigates Two S&M Army Officers and a RS Army Officer"), *Dnevni avaz* (Sarajevo), May 5, 2005.

¹⁰⁷ "Polt: Mladić ostaje uslov" ("Polt: Mladic Remains the Condition"), B92 web site, April 29, 2005 [online], http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=04&dd=29&nav_id=167464&nav_category=11 (retrieved June 5, 2005).

¹⁰⁸ Nick Hawton, "'Massacre general' kept from justice by old allies," *The Times* (London), December 10, 2004; M. Cubro, "Medjunarodna zajednica raspolaze informacijama o skrivanju haskog bjegunca" ("International community has information about the hiding of the Hague fugitive"), *Nezavisne* (Banja Luka), December 9, 2004.

¹⁰⁹ Nedim Dervisbegovic, "Top fugitives not where they believed to be-EUFOR," *Reuters*, December 30, 2004.

¹¹⁰ E. Sarac, "Pod istragom NATO-a dva pripadnika Vojske SCG i jedan Vojske RS" ("NATO Investigates two S&M Army Officers and one RS Army Officer"), *Dnevni avaz* (Sarajevo), May 5, 2005.

¹¹¹ Nick Hawton, "'Massacre general' kept from justice by old allies," *The Times* (London), December 10, 2004.

The Bosnian Ministry of Defense carried out an investigation into the allegations, and in January 2005 concluded that there was no evidence that Mladic had been present in the barracks near Han Pijesak.¹¹² The quality of the investigation was limited by the refusal of EUFOR, OHR and the Organization for Security and Cooperation in Europe (OSCE), to submit intelligence data about the presence of Mladic in the area, ostensibly to protect security of their sources.¹¹³ As of January 2005, EUFOR and OHR continued to claim that Mladic had been present in the military complex near Han Pijesak in June 2004.¹¹⁴

Speculations about Arrest in Serbia (June 2005)

Since the beginning of June 2005, there have been multiple reports in the local and international media about negotiations between the authorities in Belgrade and Ratko Mladic over his surrender. Prominent Serbian daily, *Danas*, has been the prime source of this information, invoking well-placed sources close to the government. Although the government has denied the reports, highly-ranked officials hinted that Mladic's arrest or surrender might occur in the near future. The Defense Minister of Serbia and Montenegro, Prvoslav Davinic, said on June 6 that he was sure "we will find him."¹¹⁵ Serbian Minister of Justice, Zoran Stojkovic, followed this with a statement on June 9 that he was optimistic and hopeful that "we will do that in a relatively short period of time."¹¹⁶ The pressure on the government in Belgrade to arrest Mladic intensified ahead of the tenth anniversary of the Srebrenica massacre.

¹¹² "EUFOR Commander Leaky: SFOR, NATO had solid evidence on Mladic's stay in Han Pijesak," *OHR Media Round-Up*, January 11, 2005 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=33901 (retrieved June 13, 2005).

¹¹³ "EUFOR reiterated it has reliable information on Mladic's stay in Han Pijesak," *OHR Media Round-Up*, January 12 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=33912 (retrieved June 13, 2005); "DL op-ed on BiH MoD report," *OHR Media Round-Up*, February 16, 2005 [online], http://www.ohr.int/ohr-dept/presso/bh-media-rep/round-ups/default.asp?content_id=34053 (retrieved June 5, 2005).

¹¹⁴ E.S. & M.Dr., "EUFOR i OHR i dalje tvrde da je Mladic bio u Han-Pijesku" ("EUFOR and OHR Still Claim That Mladic was in Han Pijesak"), *Dnevni avaz* (Sarajevo), January 12, 2005.

¹¹⁵ "Serbia-Montenegro minister convinced top war crimes fugitive Mladic will be captured," *Associated Press*, June 6, 2005.

¹¹⁶ "Nema pregovora" ("No Negotiations"), B92 web site, June 9, 2005 [online], http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=09&nav_id=170187&nav_category=64 (retrieved June 13, 2005).

Conclusion

The authorities in Serbia and in the Republika Srpska, as well as NATO forces, have a legal obligation to arrest Ratko Mladic and Radovan Karadzic if the men are present in territory under their control.

All states have an obligation under international law to search for persons in areas under their jurisdiction or effective control who are alleged to have committed war crimes, crimes against humanity, or genocide—and prosecute or extradite them.¹¹⁷ As set out in the preamble to the Rome Statute of the International Criminal Court, it is “the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.”¹¹⁸ Individual states through treaty obligations, national legislation, and military manuals have agreed to investigate and prosecute those implicated in international crimes. The U.N. Security Council, General Assembly, and Commission on Human Rights have all reaffirmed this obligation.¹¹⁹

In addition, the statute of the ICTY obliges all states to comply “without undue delay” in the “arrest or detention of persons” indicted for war crimes and “the surrender or transfer of the accused to the International Tribunal.”¹²⁰ As parties to the Dayton Peace Agreement, Bosnia and Herzegovina, and Serbia and Montenegro, are under an additional obligation to cooperate with the ICTY.¹²¹

A change in public opinion in Serbia might make the task of apprehending Mladic easier: At the beginning of June 2005, the public and political elites in Serbia reacted in shock to a video clip showing Serbian troops executing four boys and two men from Srebrenica in July 1995. On June 2 and June 10, Serbian police arrested five individuals allegedly

¹¹⁷ See e.g. Genocide Convention, article VI; Third Geneva Convention, art. 129; Fourth Geneva Convention, art. 146. See generally, ICRC, *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005), pp. 607-11. See also, ICRC *Commentary on the Additional Protocols* (Geneva: Martinus Nijhoff, 1987), p.73 (international humanitarian law applies to “territories over which [states] exercise authority”).

¹¹⁸ Statute of the International Criminal Court, preamble.

¹¹⁹ See ICRC, *Customary International Humanitarian Law*, pp. 608-09.

¹²⁰ Statute of the International Criminal Tribunal for the former Yugoslavia, art. 29.

¹²¹ General Framework Agreement for Peace in Bosnia and Herzegovina, initialed in Dayton on November 21, 1995 and signed in Paris on December 14, 1995, Article IX. The agreement requires the parties to cooperate fully with the ICTY “in the investigation and prosecution of war crimes and other violations of international humanitarian law.”

involved in the killing.¹²² The government of Serbia in particular should use the momentum to arrest Mladic who was, by all accounts, the main architect of the Srebrenica genocide.

The chief U.S. negotiator during the Dayton peace talks, Richard Holbrooke, stated in 1997 that “Karadzic at large means Dayton denied.”¹²³ As the tenth anniversary of the Dayton agreement approaches, Holbrooke’s maxim remains true. The successes of the international community in reconstructing post-war Bosnia are overshadowed by a double failure—the failure to protect the inhabitants of Srebrenica, despite promises from the U.N. commander at that time that “I will never abandon you,”¹²⁴ and the failure to bring to justice Karadzic and Mladic, indicted for the genocide and crimes against humanity committed there. While Mladic may no longer be in Bosnia, Karadzic almost certainly is. The international community’s moral and political failure on Srebrenica can only be remedied by one act – the arrest of Karadzic by NATO or EU forces. Just as importantly, Serbia needs to fulfill its paramount legal and moral obligation to surrender Ratko Mladic to the Hague. The victims of Srebrenica should not have to wait another decade for justice.

¹²² “Uhapseni izvrsioci i snimatelj” (“Perpetrators and Cameraman Arrested”), B92 web site, June 3, 2005 [online],

http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=03&nav_id=169750&nav_category=64 (retrieved June 13, 2005); “Uhapsen jos jedan ‘Skorpion’” (“Another ‘Scorpion’ Arrested”), B92 web site, June 10, 2005 [online], http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=10&nav_id=170265&nav_category=64 (retrieved June 13, 2005).

¹²³ R.C. Longworth, “U.S. Must Extend Bosnia Mission, Holbrooke Says,” Chicago Tribune, September 20, 1997.

¹²⁴ Mark Danner, “Clinton, the U.N. and the Bosnian Disaster,” The New York Review of Books, December 18, 1997 [online], http://www.markdanner.com/nyreview/121897_Clinton_theUN_the_Bosnia_Disaster_print.htm (retrieved June 10, 2005).