

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **FRY: Surrenders should not be negotiated - arrest now**

Today's surrender of former General Dragoljub Ojdanic to the custody of the International Criminal Tribunal for the Former Yugoslavia (Tribunal) is welcome, but does not go far enough, Amnesty International said.

"The Yugoslav government's current policy of wait-and-see who surrenders is not good enough," the organization said. "Under the Security Council Resolution which established the Tribunal, the government has no choice but to arrest and transfer all indicted suspects not merely those, like General Ojdanic, who have chosen to surrender."

Following a deadline issued by the government of the Federal Republic of Yugoslavia (FRY), five other suspects are reported to have entered into discussions on their surrender to the Tribunal. Arrest warrants were issued on 24 April for the 17 remaining suspects believed to be in the Federal Republic - including former Bosnian Serb General Ratko Mladic.

"Surrenders should not be a matter for negotiation. The FRY government - as a member state of the United Nations - should fulfil its obligations to the Tribunal by arresting and transferring all indicted suspects immediately," Amnesty International said.

Under threat from the US government to withhold up to 40 million dollars of financial assistance to the FRY, the parliament adopted a law on cooperation with the Tribunal on 10 April 2002. However, it excludes the transfer of any suspects indicted after the law came into force. This contravenes UN Security Council Resolution 1207/1998, which forbids states from using domestic law to justify their failure to perform binding obligations under international law.

#### **Background**

General Dragoljub Ojdanic, former Chief of Staff of the Yugoslav Army, was originally indicted along with former President Milosevic. Those indicted include Milan Milutinovic, current President of Serbia and member of the Supreme Defence Council, and Vljeko Stojiljkovic, former Minister of Internal Affairs of Serbia, who shot himself on the steps of the parliament building shortly after the law was passed. In an amended indictment, issued on 29 October 2001 Ojdanic, Milutinovic and Stojiljkovic were charged with individual criminal responsibility and superior criminal responsibility on one count of violation of the laws or customs of war and four counts of crimes against humanity. They are charged with responsibility for the coordination of the murder, deportation and persecution on political, racial or religious grounds of ethnic Albanians. Nikola Sainovic, former deputy prime-minister of the FRY, is co-indicted with the above for individual criminal responsibility only.

Sainovic is believed to be among the other indicted suspects prepared to surrender to the Tribunal; others include former Croatian Serb leader Milan Martic, indicted for a rocket

attack on Zagreb; Milan Mrksic, one of three JNA officers indicted for the killing of over 200 Croats in Vukovar; Vladimir Kovacevic, indicted for attacks on civilians in Dubrovnik in 1991, and the Bosnian Serb Momcilo Gruban, indicted for murder at the Omarska camp in Bosnia-Herzegovina.

Public Document

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