

**COMMENT: EAST EUROPEANS TORN ON THE RACK BY  
INTERNATIONAL COURT ROW**

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The Guardian (London)  
August 17, 2002

Trapped in the middle of the increasingly rancorous dispute between the US and the EU about international justice, the countries of eastern Europe are in a quandary about how to respond to the intense US pressure to give American citizens immunity from war crimes prosecutions.

While Washington bullies, Brussels warns. From Estonia on the Baltic to Albania on the Adriatic, countries' hopes of joining both Nato and the EU appear to be threatened by the row about the new International Criminal Court in the Hague.

In the Balkans, where the issue of war crimes is politically potent, and up through central Europe to the Baltic states of the former Soviet Union, governments are wrestling with a hard dilemma: how to avoid offending the US and improve their hope of being admitted to Nato while toeing the west European line as candidate members of the EU.

Croatia is the latest target of the US campaign: the government in Zagreb disclosed on Wednesday that it had received a letter from the US embassy requesting a bilateral pact banning the extradition of Americans from Croatia to the Hague.

The dilemma is particularly tough in neighbouring Bosnia, the scene of the worst war crimes in Europe since the Nazis, where 2,500 US military personnel are helping to keep the peace.

In Serbia the Yugoslav president, Vojislav Kostunica, dismissed the US pressure this week and said there would be no deal. But the prime minister, Zoran Djindjic, may yet do Washington's bidding.

Together with Iraq, the row about the ICC is perhaps the most serious of the many issues currently clouding transatlantic relations.

Brussels bluntly warned the east Europeans this week to heed EU advice and avoid making concessions individually to the Americans before the EU agrees a common position at the end of the month.

In eastern Europe integration with the west has been a fundamental foreign policy aim for the past 10 years and they regard membership of the EU and Nato as the twin pillars of that policy.

But the conflicting pressures on them concerning the ICC show how estranged the US and Europe are becoming.

The court, brought into being last month, is fiercely opposed by the Bush administration, even though the UN has agreed to waive any possible prosecution of Americans for a year. Washington is seeking individual immunity pacts with the 77 states which have made themselves subject to the court.

Reluctant to incur US displeasure, and with one eye on improving its chance of joining Nato in November, Romania broke rank last week to become the first European country - the only country bar Israel - to promise not to extradite Americans to the Hague.

Neighbouring Bulgaria is also extremely wary of alienating the US, and was the only country to support the Americans during last month's peacekeeping crisis in Bosnia, when the US threatened to scupper the Bosnian mission unless it got its way on the ICC.

Romania's decision is now seen to have been a foreign policy blunder, condemned by Brussels and regretted by Bucharest. But the Romanian foreign minister, Mircea Geoana, made it clear that Bucharest was intimidated by Washington's "clear and direct request".

It was unprecedented, he said. "I can't remember anything they put so much weight or interest into."

In former Yugoslavia, whose atrocity-riddled succession wars in the 1990s helped prompt the court's foundation, and have produced the first war crimes trial of a former head of state (Slobodan Milosevic), the US campaign appears to be stalling.

Croatia, which was the first east European state to ratify the ICC statutes, is defying the US demand. In Washington this week its president, Stipe Mesic, told a US radio interviewer: "This is not good and it's getting counter-productive. You have an established democracy fighting for respect for the law and at the same time demanding its citizens be exempted for things others have to answer for."

Mr Kostunica, a fierce opponent of the specific war crimes tribunal for former Yugoslavia in the Hague, although Belgrade has ratified the new court's statutes, rebuffed the US on Monday.

If the Serbs and Croats continue to defy the US, the Bosnians may follow. Paradoxically, the three former Yugoslav states, at war with one another for much of the 90s, may end up united in resisting the American demand, denounced last week by Human Rights Watch as "hypocritical bullying".

Poland, Hungary and the Czech Republic, already Nato members and leading candidates for the EU, are playing for time. The Poles and the Czechs are traditionally pro-American and are increasingly resentful of the terms being dictated by Brussels in the drawn-out negotiations for EU accession. The Slovakian government has made it plain it is reserving judgment until the EU sets a policy.

Meanwhile the signals from the Baltic are that the Estonians will bow to the US demand when their prime minister, Siim Kallas, visits the White House early next month.