
SERBIA: MILITARY INTERVENTION THREATENS DEMOCRATIC REFORM

OVERVIEW

The Yugoslav Army's arrest on 14 March 2002 of a leading Serbian politician and a U.S. diplomat signals that for the first time the Army has openly entered the political arena and is explicitly attempting to set limits on political debate and policy. Serbian politicians will cross those red lines at their peril. The nationalist, conservative and corrupt military, which as the incident demonstrates is at least substantially beyond civilian control, seems intent on protecting important elements of the Milosevic legacy and is apparently now prepared to intervene more openly to influence negatively a broad range of policies, including the domestic reform agenda, cooperation with the Hague Tribunal, and relations with neighbouring countries. That Serbia is struggling to decide whether its course is toward the European mainstream or the reactionary polity of a Belarus should be of great concern to the international community.

I. THE INCIDENT

At approximately 7:35 p.m. on Thursday evening, 14 March 2002, members of the Yugoslav Army's (VJ) Counter-intelligence Group in civilian clothing, acting under the orders of General Aca Tomic of the VJ's Counter Intelligence Service (KOS), arrested Serbian Vice-President Momcilo Perisic and U.S. diplomat John Neighbour in the dining room of the Saric Hotel, just outside of Belgrade. The soldiers placed a bag over Neighbour's head, beat him, and held him incommunicado for fifteen hours before he was released to his embassy with an apology. Perisic

was held for two days before he was released in the midst of a political firestorm the full implications of which for the country's fragile reforms and its democracy are still uncertain.

The VJ claimed that Perisic – a former Chief of the General Staff of the VJ and a political enemy of current Chief of Staff Nebojsa Pavkovic and Yugoslav President Vojislav Kostunica – had passed secret information to Neighbour.¹ Perisic enjoyed immunity under domestic law as both a vice-president of the Republic government and a member of parliament,² while Neighbour enjoyed immunity under the Vienna Convention as an accredited diplomat. The arrests came only seventeen days before the deadline for the Bush administration's required certification of whether the FRY is in compliance with U.S. law setting forth conditions for further American assistance and a few hours after the signing of an agreement brokered by the European Union (EU) that is intended to keep Montenegro and Serbia together, at least for three years. The sensitivity of the arrests and the potential political fallout from the timing suggest that the highest levels of government should have been informed.

The reactions were immediate. The U.S. Embassy lodged a very strong protest: Ambassador William Montgomery stated publicly that the arrest was “an

¹ It was initially speculated in Belgrade that the material allegedly passed by Perisic to the American diplomat related to the ongoing Milosevic trial in The Hague. Other speculation has focused on the possibility that military information was involved.

² Perisic is also member of the Republic Council for National Security, and also a president of the Federal Parliament Committee for Security and Defence.

attack on the United States” by the VJ. Following Montgomery’s public statements and equally tough words from State Department spokesman Richard Boucher, FRY Foreign Minister Goran Svilanovic apologised. He later noted that there was no civilian control over the military.³ Indeed, at a joint emergency session on 15 March, the Yugoslav and Serbian governments concluded that “the manner in which things were conducted in that affair creates doubt over civilian control of the army and the work of its security organs”.⁴ The U.S. expressed itself satisfied with the apology and appears to have let the matter drop. The FRY did not declare Neighbour *persona non grata*, as is customary when a government considers a diplomat has engaged in espionage.

Vladan Batic, the Serbian Republic Minister of Justice asserted publicly that in the course of the arrest the VJ broke at least five Federal and Republic laws.⁵ The VJ and the Kostunica cabinet claim, however, that the VJ followed all relevant domestic laws and constitutional procedures.⁶

Leading Serbian politicians and U.S. diplomats reportedly have been shown videotapes that indicate Perisic and Neighbour had previously been filmed exchanging documents and money. The amount of money that may have changed hands is unknown, as are the contents of the computer diskette that is said to have been passed over on the evening of 14 March. Shortly after his release from confinement, Perisic resigned as vice-president, in order, he said, to avoid further embarrassment for the government. He subsequently also resigned his seat in parliament but he continues to lead his political party. The actual guilt or innocence of the parties involved, however, has become incidental to the larger political crisis – perhaps the most serious since the fall of Milosevic, in October 2000.

³ “Odgovorni moraju da odu,” *Blic*, 19 March 2002.

⁴ “Vlade Srbije i SRJ: Nelogicnosti u radu vojne bezbednosti,” *Radio B 92*, 15 March 2002.

⁵ Vladan Batic interview on the *Studio B* television program “Utisak nedelje,” 24 March 2002.

⁶ “Bojenje istine,” *Vojaska*, 21 March 2002. There seems to be no controversy, even among those who generally defend the actions against Perisic, that the arrest and detention for more than half a day of the American diplomat was contrary to Belgrade’s international obligations under the Vienna Convention on Diplomatic Privileges and Immunities.

Familiar battle lines were quickly drawn between the camps of Serbian Prime Minister Zoran Djindjic and FRY President Kostunica, whose increasingly bitter disputes have dogged Serbian political life and prevented serious reform (other than in the economic sphere). Though he acknowledged authorising the surveillance of Perisic some five months earlier, Kostunica insisted he had not been informed of the arrest ahead of time. If true, this would appear to be proof positive that the VJ takes it upon itself to act without civilian direction on highly sensitive matters that affect the direction and pace of the country’s transition, its foreign policy and wider matters of regional security.

II. WHAT DOES IT MEAN ?

Although there were prior indications that the VJ was not under civilian control, the arrests apparently represent the first time that the VJ has blatantly and physically crossed the line that should separate the political and military realms.⁷ It did so seemingly in an attempt to dictate certain policies that in a democracy are normally the prerogative of civilian politicians, or at least to close off other policy options. Belgrade circles interpret the action as an effort to lay down clear markers as to what the military will and will not permit and, more specifically, as a shot across the bow of the reformers by those who would protect much of the Milosevic legacy. Any politician who moves beyond the parameters set by the military has been effectively warned that it is at his or her own peril.⁸

The 14 March incident was not, to be sure, a coup, but it was an unmistakable rough intrusion into politics and policy. As a result, attempts to bring the VJ under parliamentary civilian control may dominate the political agenda for some time to come. Until that issue is resolved, almost everything else could be placed on the back burner. Most local political observers, though by no means all, believe that the initial fallout from the arrests

⁷ ICG Balkans Report No. 126, *Belgrade’s lagging reform: Cause for International Concern*, 7 March 2002.

⁸ ICG interviews, Belgrade, March 2002. Also, see the interview with Serbia’s elder opposition statesman, Dragoljub Micunovic, “Zivimo u vremenu opste spijunaze!” *Nedeljni telegraf*, 27 March 2002.

has weakened the pro-reform faction due to the damage done to Perisic, an important member of Djindjic's Serbian government team.⁹ Depending on whether that trend is confirmed or reversed, the incident's is likely to have repercussions for the long-term future of Serbian and Yugoslav policies in several key areas:

- the EU-brokered agreement between Serbia and Montenegro;
- cooperation with The International Criminal Tribunal for the Former Yugoslavia in The Hague (ICTY);
- the direction and pace of economic, legal and social reform; and,
- Serbia's relations with its neighbours.

It will also determine whether or not the FRY will be able to meet conditions established by the U.S. government for receiving further bilateral assistance and that are likely to be established the Council of Europe (CoE) and NATO's Partnership for Peace for membership, and by the EU for signing a Stability and Association Agreement.¹⁰

Of equal concern, the Perisic affair suggests that thinking within the military, and perhaps to an extent within the conservative civilian circles that are most sympathetic to the military, is dividing Serbian society into two groups: spies and loyal citizens. This "us against them" mentality means that cooperation with the international community may now be viewed by many as treason and that the VJ has set itself as the ultimate arbiter as to who belongs to which group. This could add both new bitterness and new danger to the ongoing disputes between the Djindjic and Kostunica

camp. Thus, problems could arise if the VJ were to decide that the Serbian Interior Ministry (MUP), which has proven relatively cooperative with the Djindjic bloc, was not sufficiently "loyal".

III. THE POLITICAL BACKGROUND

Since the December 2000 Republic elections, Serbia's political life has been dominated by the arguments between two blocs within the ruling DOS coalition. Initially their differences were muted, but during the course of 2001 both clarified their leanings, not through specific policy statements, but through action. They may now be loosely characterised as pro-European reformers and anti-Western isolationists. To a certain extent they have used the arrests as yet another topic in their ongoing and increasingly angry struggle.

The pro-European reformers are gathered loosely around Serbian Premier Djindjic, Federal Foreign Minister Goran Svilanovic and the technocrats of the G-17 group, who cooperate on both the Federal and Republic levels. This group has attempted to push forward the reform platform DOS advanced in its election campaign in 2000. It has made significant progress on economic reform and has begun to make changes in the Interior Ministry but has fallen short in other areas, such as judicial, media, human rights, police, government and military reform. It is the driving force behind such ICTY cooperation as there has been as well as the advocate of closer integration with Europe and the wider international community. However, it lacks a strong domestic political consensus or constituency to back up its ambitious reform package. Rather, it consists of a relatively small Western European-oriented ruling elite, most of whom came out of Belgrade's civil society and anti-Milosevic opposition. It is not representative of the popular mood and has been dogged by charges of corruption and foot-dragging in some areas of reform.

The anti-Western and isolationist bloc – comprised of numerous factions of nationalists and old Milosevic loyalists – has gathered loosely around Kostunica. Although publicly presenting themselves as pro-European, they take the position that they wish to see Serbia enter the EU and Council of Europe according to Serbian, and not Western European standards. This bloc is sympathetic to Russian society and culture and at

⁹ Polling data, for example, indicated that support for Democratic Opposition of Serbia (DOS) dropped 9 per cent in the first week after the incident. "Opada popularnost DOS," *Blic*, 25 March 2002. However, the apparent break between Kostunica and his long-time ally, VJ Chief of Staff Pavkovic, and Kostunica's failure to obtain the latter's dismissal at the 25 March meeting of the Supreme Defence Council are possible counter indications to the majority view. A Djindjic-Pavkovic alliance such as appeared at that dramatic session and no matter how purely tactical and self-interested, and loss by Kostunica of the ability to control senior VJ appointments could ultimately herald a significant shift in the balance of power to the advantage of the more reform minded Djindjic camp. See also discussion in Sections III and V below.

¹⁰ On these conditions, see ICG Report, *Belgrade's Lagging Reforms*, op. cit.

times has been inclined to look to Moscow for some policy cues. It consists of individuals who wish – for a variety of reasons – to protect the Milosevic legacy. Most of them do not support the fallen dictator personally but many of Milosevic’s reactionary, isolationist and nationalist policies managed to attract a large number of Serbs and still enjoy broad public support.

A number of supporters of this bloc do have uncomfortably close ties with Milosevic, as evidenced by the rapid post-October 2000 influx of former Socialist Party of Serbia (SPS) and Yugoslav United Left (JUL) members into Kostunica’s Democratic Party of Serbia (DSS). This is seen also in Kostunica’s choice of advisers, two of whom (Aleksandar Tijanic and Gradimir Nalic) worked for the notorious Milosevic crony Bogoljub Karic. Tijanic himself was Milosevic’s Information Minister. The DSS has entered into an open coalition with the SPS and JUL in a number of municipalities. It broke with the remainder of DOS informally in April 2001 and apparently formalised the break in early 2002. Nonetheless, DSS representatives, though not Kostunica, still attend the sessions of the DOS presidency.

Since coming to office, Kostunica and his advisers have done much – whether wittingly or unwittingly – to protect the Milosevic legacy. This includes permitting Rade Markovic to remain as Chief of State Security (DB) for a crucial three months following the October 2000 elections, during which time he allegedly destroyed or copied significant documentation, both to cover up DB activities and to obtain ammunition for his personal use. It has also included protecting Chief of Staff Pavkovic even though his removal was the top DOS demand following its electoral victory.

This bloc’s most significant achievements have been obstruction of cooperation with the Hague Tribunal and the continued funding of the Republika Srpska Army (VRS) in Bosnia. It also created unnecessary procedural logjams in the Serbian Parliament throughout most of 2001, delaying or in some cases sinking vital legislation. It has done much to frustrate steps to improve inter-ethnic relations in the province of Vojvodina as well as to exacerbate problems with UNMIK over Kosovo.

Convinced that it could win a substantial majority in any new elections, the DSS has sought

repeatedly for more than a year to bring down the Serbian government, typically by engineering or exacerbating political crises. The first of these was the Telekom crisis in February 2001. The more prominent involved the Milosevic transfer to The Hague, the removal of Milan Protic as Ambassador to the U.S., the so-called “Gavrilovic affair” in August 2001,¹¹ and the revolt of the “Red Berets” in November of that year. All had as their aim weakening the pro-European reform bloc. Based on its actions, it appears that the DSS wishes to bring down the Serbian government but is reluctant to besmirch its electoral image by entering into an open coalition with the SPS and Vojislav Seselj’s Serbian Radical Party (SRS), both of which were highly compromised during the Milosevic era.

With the successful resolution of each crisis, Djindjic’s popularity has grown and that of Kostunica and the DSS has shrunk. This appears to have created a sense of urgency within the DSS and Kostunica’s cabinet and increasing willingness to use the dwindling resources at their disposal, including the VJ, to defeat their rivals,. For the Kostunica bloc the issue was probably not whether to use the information against Perisic to bring down the Djindjic-led Republic government – this had likely already been decided when Kostunica authorised the surveillance and when DSS members were permitted to view video tapes of the secret meetings – but rather one of timing. On that matter, however, the VJ appears possibly to have gone ahead on its own, without authorisation from either Kostunica or his cabinet. Whether the timing was engineered by Kostunica or not, however, his camp’s immediate reaction was to call for the resignation of the Djindjic government and new elections.

IV. WHY DID THE ARMY INTERVENE?

The arrests should be viewed as a warning to the pro-European reformers to end cooperation with The Hague Tribunal, as a sign of dissatisfaction with the terms of the agreement with Montenegro, and as an attempt by the VJ and the anti-reform bloc to weaken or bring down the Djindjic government. Personal animosities and a desire to

¹¹ ICG Balkans Report No. 117, *Serbia’s transition: Reforms under siege*, 21 September 2001.

block the appearance of evidence of pervasive corruption at the highest levels of the VJ may also have been important factors. It appears that the VJ had ample evidence to arrest Perisic several months ago for the same type of activity that it used to justify its actions in March. Therefore, the question of the VJ's decision on timing is of paramount importance.

The VJ has been deeply involved in foreign and domestic policy throughout the post-Milosevic era, for example, on the disputed Prevlaka peninsula and in southern Serbia (Presevo Valley), through support of the Serb entity's army in Bosnia, on the fate of Albanian political prisoners in Serb jails, and on civilian control over the military budget. The issue of cooperation with the Hague Tribunal, over which the VJ has been consistently negative, has always been particularly sensitive, however.

In the months before the 31 March U.S. aid certification deadline, the Serbian government began preparing the public for another round of arrests and transfers to The Hague. The names most frequently mentioned were those of the Vukovar Trio (Veselin Sljivancanin, Mile Mrksic, Miroslav Radic), Nikola Sainovic, Vlajko Stojiljkovic, and possibly retired general Dragoljub Ojdanic. Clearly the leading circles within the VJ oppose the Hague process and have reinforced Kostunica's anti-Hague stance. With the arrests of the Vukovar Trio and Ojdanic (all former VJ officers) rumoured to be looming, The Hague may well have been coming too close to home.

The agreement the EU foreign policy chief, Javier Solana, engineered between Serbia and Montenegro may have further aggravated the situation. Under this arrangement Serbia will most likely follow Montenegro's lead and collect customs revenues that are a significant source of income for the Federal government. Each Republic would then forward the collected revenues to the central government. This would give the Republic government the *de facto* ability to control the VJ's budget and activities. This prospect follows on the heels of recent efforts to bring greater democratic civilian control and financial accountability to the VJ budget process. The arrests – coming a few hours after the signing of the agreement – may have been intended to signal disapproval about the direction the budget process was taking.

The VJ also appears to be increasingly nervous over allegations that its higher-ranking officers are involved in corrupt activities. These include the recent uncovering of VJ involvement in cigarette smuggling¹² and charges that some generals engineer weapons sales and equipment procurement and receive “commissions” for their services.¹³ It appears that the Republic government stumbled across these activities and may have planned to make an issue of them. On 13 March the Republic Interior Ministry (MUP) entered and searched the residence (Villa “Bosanka”) and offices of the unofficial “embassy” of Republika Srpska, seizing documents from 1994-1999 that could demonstrate ties between organised crime in Bosnia and the VJ.¹⁴

Personal animosity may also have contributed significantly though its implications for timing are uncertain. After Milosevic sacked him as the Chief of the General Staff in 1998, Perisic took an active role in opposition politics, forming his own political party – Movement for Democratic Serbia (PDS) – and staking out a position as a critic of the military establishment. He advocated closer cooperation with NATO and the West and extensively criticised Chief of Staff Pavkovic, who in turn regularly attacked him in the press.¹⁵ Although Pavkovic claims he did not know of the arrests ahead of time, he knew that Perisic was under surveillance, and there can be little doubt he was pleased to see his oponent discredited in such a manner.

A more general impetus for the VJ to act when it did may relate to the national mood, which at the end of winter has been soured by the pain of economic reforms and the lack of foreign investment. The prosecution's poor performance and Milosevic's vigorous defence efforts at the outset of his trial have restored some of the former

¹² “Jevtic: Oficiri svercuju cigare, vojska cuti,” *Nacional*, 22 March 2002. ICG interview with government official.

¹³ A number of western diplomatic and intelligence sources have told ICG that to begin to dismantle the corruption in the VJ, the top ten generals must be removed immediately.

¹⁴ This may be connected to the earlier arrest of Bosnian Muslim businessman Alija Delimustafic and his ties to the Bosnian Serb businessman and DSS financier, Momcilo Mandic. See ICG Report, *Belgrade's lagging reform*, op. cit.

¹⁵ “Noc generala,” *VREME*, 21 March 2002.

dictator's standing inside Serbia. On the other hand, the VJ could anticipate that its reputation would erode as that trial revealed more of its wartime activities and additional stories appeared linking it to organised crime. For now, however, the VJ remains one of Serbian society's most trusted institutions, and it may have felt circumstances would not soon again be as favourable for the kind of power and policy statement it made in the Perisic arrest.

V. WHO IS RESPONSIBLE?

It will likely be possible to pin down responsibility precisely for the decisions only when one of the key participants writes his memoirs. President Kostunica – in Barcelona for a European Council meeting – claimed that he knew nothing of the arrest in advance, although he knew that the KOS had been following Perisic. Pavkovic claimed that although he, too, knew and approved of the surveillance, he learned of the arrest only the following day. The Serbian Interior Ministry (MUP) was ignorant of the surveillance, and the VJ's arrest of Perisic violated a protocol between the two security bodies that regulated surveillance and arrest of civilians suspected of engaging in espionage.

DSS Vice President Dragan Marsicanin claimed that he had personally seen, apparently in advance of the arrests, KOS videotapes of meetings between Perisic and the American diplomat, even though by law only an investigating judge may view such material.¹⁶ Following Marsicanin's highly publicised remarks, it became apparent that at least one other member of Kostunica's staff, Rade Bulatovic, the counsellor for national security, knew of the surveillance. It also appeared that the DSS had been using KOS as its own private intelligence agency¹⁷ and that KOS may have followed other Serbian government politicians and recorded compromising material of a personal or political nature.¹⁸

If Pavkovic and Kostunica are truthful in claiming no advance knowledge of the arrests, the chief of KOS, General Aca Tomic, is the most likely candidate to have made the decision and given the order. The relationships between the three men are not easy to unravel. Kostunica and Pavkovic have long been close.¹⁹ However, in recent weeks the two appear to have become estranged, and Kostunica has indicated that Tomic may be his preferred candidate to replace Pavkovic.²⁰ When asked to appear before an emergency joint session of the Republic and Federal governments on 15 March, Tomic refused, claiming "my boss [Kostunica] isn't here",²¹ though his *de jure* "boss", Pavkovic, was present.

Of crucial significance to the entire question of civilian control over the military, it appears that the laws regulating such delicate matters as the Perisic surveillance and arrest are at best vague and subject to rather liberal interpretation. Many are at most only regulations or administrative practices with little or no foundation in statute.²² The serious issues of legal procedure and chain of command have been obscured by the many political charges. To arrest such prominent individuals, however, General Tomic should have informed the Chief of Staff, Pavkovic, the Defence Minister Velimir Radojevic, the Federal government, and the Supreme Defence Council. It appears that if Tomic did in fact receive approval or inform anyone, he skipped the constitutionally authorised procedures and went directly to Kostunica.²³

Whether he acted on his own or with someone's authorisation, Tomic is obviously a key figure in these events. Facing continued DOS and Western pressure to sack Pavkovic, Kostunica's cabinet may have groomed Tomic as his successor. There is little doubt that the DSS was using KOS, which Tomic commands, for its partisan political purposes, which means he enjoyed great trust at very high levels of the Kostunica camp. Like

¹⁶ "Marsicanin pocinio krivicno delo," *Danas*, 20 March 2002.

¹⁷ "Drzava nad drzavom," *Politika*, 21 March 2002.

¹⁸ "Kostunica pustao film kako Perisic uzima 1.000\$ i nudio da zrtvuje Pavkovicu," *Nedeljni telegraf*, 20 March 2002.

¹⁹ ICG Report, *Belgrade's Lagging Reforms*, op. cit.

²⁰ There is also speculation that General Branko Krga may be in line for the post.

²¹ "Kostunica pustao film kako Perisic uzima 1.000\$ i nudio da zrtvuje Pavkovicu," *Nedeljni telegraf*, 20 March 2002.

²² VJ: Hapsenje izvedeno po ustavu, zakonu i propisima," *Radio B92*, 18 March 2002.

²³ "Klopka za Djindjicevu vladu," *NIN*, 21 March 2002.

Pavkovic, Tomic comes from the war-time Third Army that participated in the ethnic cleansing of Kosovo during 1998/99. As such he is possibly compromised, particularly given his position as chief of military security for Kosovo at the time. Unlike other VJ generals, Tomic has not finished the National Defence School, which is typically a requirement for advancement to senior rank. Milosevic promoted him because he was politically reliable. Tomic's tenure at KOS has now become a topic of political contention, and Djindjic has stated openly that Kostunica has to choose between Tomic and DOS.

At a 25 March meeting of the Supreme Defence Council, Kostunica attempted to sack the outgoing Pavkovic six days prior to Pavkovic's announced effective resignation date. Pavkovic allegedly kindled Kostunica's wrath when he distanced himself from Tomic publicly. In response, both Montenegrin President Milo Djukanovic and Serbian President Milan Milutinovic told Kostunica that not only must Pavkovic go, but so, too, must Tomic, and they held Pavkovic's immediate removal hostage to Tomic's removal.²⁴ For now Kostunica appears to be protecting and promoting Tomic, who is one of his few allies in a position of real power. This does not imply, however, that Kostunica controls Tomic. Rather, it may be a marriage of political necessity and convenience. Given Tomic's performance at KOS, if Kostunica succeeds in promoting him to chief of staff or even retaining him in his present position, there will be strong grounds to fear that genuine civilian control of the military is still a distant goal in Serbia.

VI. TOWARDS EUROPE OR STAGNATION ?

The VJ's open entry into the political arena is a clear and new threat to Serbia's democratic transition and reform process. It signals that the path forward is still far from secure and that until the military is brought under civilian control, the prospect of its further interventions will continue to haunt the country, obstructing satisfaction of international obligations and causing regional instability.

Without sustained and decisive reform of Milosevic era structures and practices, Serbia will be politically and economically stagnant rather than move towards the rest of Europe. Unless the international community exerts sustained pressure for reforms, however, progress is unlikely. The Perisic affair underlines that reform still lacks a strong domestic constituency. Until civilian control over the military can be restored, therefore, it is unrealistic to expect Serbia to be able to do those many things, domestic and international, that the country must do if it is to achieve closer integration with Western Europe

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²⁴ Pavkovic has long been regarded by ICG and other observers as a major political player whose influence has almost always been cast in the scales against reform and democratic change. ICG has frequently recommended his removal from office. The implications of his apparently imminent retirement, why it is happening now and in circumstances that suggest he has broken with Kostunica and is receiving at least some degree of support from Djindjic, raise questions about political dynamics in Belgrade that cannot be answered at this point but require further exploration.



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