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Res. No. 1582

Resolution calling for a federal investigation into the issuance of an emergency passport to a Serbian national who fled the United States during a pending court case, urging the Serbian government to extradite such fugitive and requesting that the federal government improve procedures regarding access to emergency passports for non-citizens attempting to leave the United States.

By Council Member Recchia Jr., Avella, Brewer, Dickens, Felder, Fidler, Gentile, Liu, Palma, Reyna, Sanders Jr., Stewart, Vacca, Gerson, Vallone Jr., Ignizio and Oddo

Whereas, Miladin Kovacevic, a Serbian national attending Binghamton University ("the University") in Binghamton, New York was charged on May 4, 2008 for the severe beating of a fellow student, Bryan Steinhauer, during an altercation at a bar near the University's campus; and

Whereas, Steinhauer, a Brooklyn resident, sustained massive injuries to his head and face from the beating and was put into a coma; and

Whereas, According to the Greater Binghamton online paper *pressconnects.com*, Miladin Kovacevic had been in jail on May 4th and was released on June 6th when Vice Consul Igor Milosevic of the Serbian Consulate General's office in New York City posted Kovacevic's $100,000 bail; and

Whereas, Kovacevic surrendered his passport as part of his bail agreement and during the bail hearing, a judge ordered Kovacevic to remain in Broome County (in which Binghamton is located), while his assault case was pending; and

Whereas, Despite the order from the judge, the Serbian Vice Consul issued an emergency passport that enabled Kovacevic to flee the United States three days after posting bail, thus avoiding prosecution for the alleged assault on Bryan Steinhauer; and

Whereas, According to the U.S. Department of State, whenever a foreign national is arrested or detained

in the United States, there are legal requirements to ensure that the foreign national's government can offer him or her appropriate consular assistance; and

Whereas, According to NBC news online, Kovacevic had recently signed a basketball contract with a Serbian basketball team, and refuses to return to the United States; and

Whereas, NBC news also reported that the Serbian government refuses to extradite Kovacevic, and Serb officials have suggested that U.S. authorities should hand over the full case file so they can consider whether Kovacevic should be prosecuted in Serbia; and

Whereas, *Pressconnects.com* reported that according to a senior foreign law specialist at the Library of Congress, Kovacevic's alleged crimes are not covered by an extradition treaty between the United States and Serbia; and

Whereas, In order to prevent such an incident from reoccurring, there must be a thorough federal investigation of how Kovacevic was issued an emergency passport and an examination of whether Kovacevic received appropriate consular assistance; and

Whereas, This matter also requires a thorough review of policy procedures pertaining to the issuance of emergency passports to foreign nationals and how communication between the U.S. and foreign governments can be improved to ensure that a foreign national is appropriately detained; and

Whereas, It is extremely important for the Serbian government to reconsider its decision to not extradite Miladin Kovacevic, who must be brought to justice in the United States for the crime that he committed against Bryan Steinhauer, who still remains in critical condition; now, therefore be it

Resolved, that the Council of the City of New York calls for a federal investigation into the issuance of an emergency passport to a Serbian national who fled the United States during a pending court case, urging the Serbian government to extradite such fugitive and requesting that the federal government improve procedures regarding access to emergency passports for non-citizens attempting to leave the United States.

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