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ICTJ Report Assesses War Crimes Mechanisms in Serbia

Report calls for more direct support domestically and from the international community for justice and the rule of law in Serbia.

BELGRADE, February 11, 2008—The International Center for Transitional Justice (ICTJ) today released *Against the Current—War Crimes Prosecutions in Serbia*, the latest in its prosecutions case study series. The 46-page report assesses the efficacy of Serbia's domestic efforts to prosecute war crimes committed in the territory of the former Yugoslavia.

"More than three years after the establishment of the War Crimes Chamber and the Office of the War Crimes Prosecutor in Serbia the number of trials remains low, and each aspect of the investigations and trials shows shortcomings that need to be seriously addressed," comments author Bogdan Ivanišević in the report. "On the other hand, both institutions have established themselves and their capacity to fulfill their mandate is increasing." He continues, "...one can cautiously hope that Serbia will be increasingly capable of dispensing justice in war crimes matters."

The report finds that while there has been an increased commitment to accountability and transitional justice in the former Yugoslavia—visible in the growing number of domestic war crimes trials and discussions about complementary truth-telling mechanisms, heightened discussion on the need for reparations, institutional reform, and memorials—tensions in the region and Serbia in particular remain high. Nationalism and economic stagnation continue to haunt the former republics and some of the most notorious war criminals indicted by the ICTY are still at large.

"As a country in transition to full-fledged democracy, Serbia has a moral and political imperative to bring to justice those responsible for war crimes," states Ivanišević. "As a practical matter, only Serbia can bring many of these individuals to justice."

According to the ICTJ report, the Office of the War Crimes Prosecutor lacks a sufficient number of deputy prosecutors and associate legal officers to cope with the overwhelming caseload of potential cases. In spite of the recent issuance of indictments against a handful of army and police officers, the Office has not demonstrated adequate commitment to vigorously investigate allegations against mid- and high-level suspects. Furthermore, the War Crimes Investigation Service of the Serbian police has rarely collaborated with the Office on its own initiative with information about war crime perpetrators.

Key recommendations to Serbian and international stakeholders in the report include:

- A call to the Serbian Government to make a stronger political and financial investment in the War Crimes Chamber and the Office of the War Crimes Prosecutor, by publicly expressing unequivocal support for the two judicial bodies and increasing funding and salaries for the prosecutors and the War Crimes Investigative Services in the Serbian police. In the event that Kosovo attains a status equivalent to

independence, the report urges Serbia to continue to cooperate with counterparts in Kosovo, separating the issue of war crimes from political considerations.

- A call to the Office of the War Crimes Prosecutor to avoid politicized allegations; instead, investigations and prosecutions should be credible and unbiased. In addition, the report urges the Office to diversify its investigative efforts by using additional sources, such as evidence generated by the International Criminal Tribunal for the former Yugoslavia (ICTY).
- A call to the War Crimes Chamber to exercise better treatment and ensured anonymity for witnesses. In addition, the report urges the Chamber to promote widespread public awareness of its work by including detailed information about specific trials and the text of the first-instance judgments.
- A call for the European Union and the international community to reiterate that Serbia's integration into the EU is contingent on continued progress of domestic war crimes trials in Belgrade. In addition, the report urges the international community in Kosovo—UNMIK and its possible successor under the auspices of the EU—to make every effort, to persuade and assist ethnic Albanian witnesses to meet with judicial officials from Belgrade.

Available in both Serbian and English, the ICTJ report will be distributed widely at the Regional Forum on the Mechanisms of Truth-seeking and Truth-telling about the War Crimes in the former Yugoslavia. The meeting—organized by Humanitarian Law Center (Belgrade), Research and Documentation Center (Sarajevo), and Documenta (Zagreb) and taking place February 11-12—is the third in a series of regional forums working to establish an official regional truth-seeking body in the former Yugoslav territory.

To access the full report *Against the Current—War Crimes Prosecutions in Serbia* click on [English](#) or [Serbian](#).

For comments about the report, contact ICTJ spokespeople:

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About the ICTJ

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

For more information about transitional justice in the former Yugoslavia, access to past publications, and details about the ICTJ's work, go to www.ictj.org.

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