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# **JOINT MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135(5) of the Rules of Procedure

on Serbia: the case of accused war criminal Šešelj

on behalf of

**B8-0000/2014**

**European Parliament resolution on Serbia: the case of accused war criminal Šešelj**

*The European Parliament,*

- having regard to its previous resolutions on Serbia,
  - having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia that entered into force on 1 September 2013,
  - having regard to the Commission’s 2014 progress report on Serbia of 8 October 2014 SWD(2014) 302,
  - having regard to the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY),
  - having regard to the Rule 65 of the Rules of Procedure and Evidence of the ICTY,
  - having regard to Rule 135(5) of its Rules of Procedure,
- A. whereas Vojislav Šešelj, the president of the Serbian Radical Party, is indicted before the ICTY for persecutions on political, racial or religious grounds, deportation, inhumane acts (forcible transfer) (crimes against humanity); murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war) in Croatia, Bosnia and Herzegovina and in parts of Vojvodina (Serbia) committed from 1991 to 1993;
- B. whereas the ICTY was established by the United Nations in 1993 to deal with war crimes that took place in the nineties laying the foundations for conflict resolution and post conflict development in the region;
- C. whereas on the 6 November 2014, after more than eleven years of detention and while his trial is still on-going, the Trial Chamber of the Tribunal made the Order on The Provisional Release of Šešelj *Proprio Motu* (Order) due to the deterioration of his health, under conditions that he (i) does not influence witnesses and victims, and (ii) appears before the Chamber as soon as it so orders; whereas Šešelj adopted a hostile attitude towards the ICTY since the start of the trial, by repeatedly interrupting, disrupting and retracting the proceedings before the Court and has been charged with contempt in three different occasions for intimidation of witnesses;
- D. whereas after his return to Serbia, Šešelj made several public speeches in Belgrade in which he underlined that he will not voluntarily return to the Tribunal when requested

and thereby announced that he will violate one of the two conditions under which he was released;

- E. whereas Šešelj in his public statements repeatedly called for the creation of “Greater Serbia“, publicly declaring claims against neighbouring countries, including EU Member State Croatia, and incited hatred towards non-Serb people; whereas Šešelj made a press release in which he congratulated “the Serbian Chetniks on ‘liberation’ of Vukovar” on the day of 23 commemoration of the fall of the Croatian town of Vukovar to Serbian paramilitary forces and Yugoslav army and associated atrocities in 1991 and thereby violated the requirement not to influence the victims; whereas the Serbian peace group “Women in black” gathered in Belgrade to mourn the victims of the siege in a performance entitled “We will never forget Vukovar crimes”;
1. Strongly condemns Šešelj's warmongering, incitement to hatred, encouragement of territorial pretensions, attempts to derail Serbia from its European path; deplors Šešelj's provocative public activities and wartime rhetoric since his provisional release which renew the victims' psychological scars of the war and atrocities committed during the early 1990s; stresses that Šešelj's recent statements might undermine the progress in regional cooperation and reconciliation, and subvert the efforts made in the recent years;
  2. Reminds the Serbian authorities of their obligations provided by the framework on cooperation with the ICTY and their obligations as an EU Candidate Country; notes with concern that the absence of an adequate political reaction and legal response by the Serbian authorities regarding Šešelj's behaviour undermines the trust of the victims in the judicial process; encourages the Serbian authorities and the democratic parties to condemn any public demonstration of hate speech, wartime rhetoric and to promote the protection of minority and cultural rights; asks the Serbian authorities to investigate whether Šešelj violated Serbian laws as well as to strengthen and fully apply legislation to forbid hate speech, discrimination and inciting violence; supports all political parties, NGOs and individuals in Serbia which fight against hate speech;
  3. Calls on the ICTY and the ICTY's Office of the Prosecutor to undertake measures to re-examine the existence of requirements for provisional release under new circumstances; notes that different standards regarding the Tribunal's practice concerning provisional release would not contribute to the achievement of the ICTY's objectives; encourages the ICTY to take determined actions to reaffirm confidence in the ICTY weakened by Šešelj's appalling and inadmissible public statements, including taking all necessary measures to accelerate the completion of all trials and appeals before it; reminds that bringing perpetrators of war crimes to justice is an indispensable condition for a genuine and lasting reconciliation process;
  4. Instructs its President to forward this resolution to, the Council, the Commission, the governments and parliaments of the Member States, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President, Government and National Assembly of Serbia, the United Nations Security Council and the President of the ICTY.