

REGIONAL REPORT: Serbia's Faltering War Crime Prosecutions

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Despite increasing evidence of atrocities, Serbia's national courts have so far only managed to bring war crimes charges against two Serbian citizens.

The authorities in Serbia appear reluctant to bring war crimes charges against citizens suspected of committing atrocities, casting doubt on Belgrade's claim that local courts are more competent to try such defendants than The Hague tribunal.

On April 25 of this year, Colonel Svetozar Radisic announced that the Yugoslav army was investigating 245 soldiers in connection with crimes committed in Kosovo from March 1, 1998, to June 26, 1999. Subsequently, 183 individuals were charged.

Yet hopes that this represented the first phase of local war crimes trials proved to be misplaced. None of the cases involve war crimes. So far, just 24 of the defendants were brought to justice, prosecuted for isolated counts of murder, rape, intimidation, and insults to dignity, with no reference to the wider military campaign. They received prison sentences of up to five years.

On July 22, 9 new court proceedings were announced against army reservists who served during the NATO bombing campaign in 1999. But these cases, under the jurisdiction of local courts, were again not for war crimes. The district courts of Valjevo, Nis, Vranje and Kraljevo told IWPR that none have yet been brought to trial.

The army press office says there are currently no war crimes cases before the military court. And according to the Serbian ministry of justice, there is only one active domestic war crimes case, being tried by the district court in Prokuplje, southern Serbia.

In Yugoslavia, one of the main arguments against The Hague tribunal was that domestic courts are much more competent to try war crimes cases than any international one. But even the sole local war crimes case has been barely reported by the media and largely ignored by the public.

Sasa Cvjetan, a former police officer from Novi Sad, and an ex-colleague who remains at large, have been indicted for murdering 19 Albanians, mostly women and children, in Podujevo county on March 28, 1999. The case got under way in spring 1999, while Milosevic was still in power.

The indictment was announced by Vladan Batic, Serbian justice minister, following the excavation of mass graves in Serbia, which, according to data previously released by the Serbian police and pathologists from the Institute of Judicial Medicine in Belgrade, contain around 800 Albanian corpses.

But, in the meantime, no new war crimes cases have found their way to investigating officials. The judiciary relies on the police for information in order to prosecute, and the latter is showing little energy for investigating atrocities.

Batic acknowledged that war crimes prosecutions are hardly a vote-winner in Serbia today, but insisted, nevertheless, that such cases will be brought to trial soon. He has taken a personal interest in the Cvjetan case, which has been held up on several occasions.

An initial investigation of the case, launched in spring 1999 while Milosevic was in power and approved by the Serbian Supreme Court, was blocked by Branimir Niketic, the former Prokuplje district court president.

This July, the Prokuplje district prosecutor filed a request for a new investigation, on charges of war crimes. Batic personally announced the fresh investigation. The development received minimal media coverage.

Re-activating the case, Dragan Tadic, the new district court president in Prokuplje said the evidence, including photographs and witness testimony, was strong. He also stated that his predecessor, Niketic, faced charges of trying to cover up the case.

Yet even this high-profile intervention will not ensure a speedy trial. Cvjetan is currently in custody on civil charges of burglary and theft in Bijelo Polje, northern Montenegro. Prokuplje prosecutor Miroslav Nikolic told IWPR that it's unclear when the war crimes hearing would start, since the civil case must be completed first.

While the Serbian authorities continue to delay the country's first war crimes case, there appears to be little public or political pressure to speed up the process. With conflict within the ruling coalition severe, Yugoslav president Vojislav Kostunica and Serbian premier Zoran Djindjic are jockeying for votes, and would hardly see any benefit in taking a lead on the issue. The media also rarely raise the question.

Opinion polls, meantime, show that most Serbian citizens still believe that they are the main victims of the decade of conflict in the former Yugoslavia. According to a poll by Politika daily this July, half the population admits that their countrymen committed war crimes. But, of these, 45 per cent feel other nations were more inhumane than the Serbs, 28 per cent think crimes committed by Serbs should be covered up, and 38 per cent feel it would be better to address crimes committed against Serbs, than those by them.

Serbian citizens, the paper commented, believe Batic and the ministry of justice are traitors for forsaking the suffering of the Serbian people.

Meantime, on August 28, the Serbian ministry of internal affairs confirmed that bodies of 340 Albanians have been exhumed in the area of Batajnica and Petrovo Selo. Dragan Karleusa, deputy chief of the investigating unit, said that an intense investigation continues, but there are still no suspects.

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