

## **Scorpions Judgment Sparks Debate in Serbia and Bosnia**

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Two years after video showing brutal murder of Srebrenica youths first shocked the world, the controversy surrounding this case shows no signs of subsiding.

Four former Serb paramilitaries who were filmed shooting dead six captured young Bosnian Muslims were convicted of war crimes against civilians at Serbia's War Crimes Court this week.

The former commander of the Scorpions paramilitary unit, Slobodan Medic, and his main accomplice, Branislav Medic, were each sentenced to 20 years in prison, at the special war crimes court - established in 2003 to deal with lower-level cases referred to Serbia by the Hague tribunal.

Pera Petrasevic, the only one of the five accused to confess to the crime, was given 13 years. The fourth defendant, Aleksandar Medic, received five years, while a fifth man, Aleksandar Vukov, was acquitted.

The five were accused of killing in cold blood a group of Muslim civilians, captured after the fall of the eastern Bosnian town of Srebrenica to Bosnian Serb forces in July 1995.

The youngest victim was 16 years old.

After the fall of the enclave, Bosnian Serb forces executed some 8,000 Bosnian Muslim men and boys in Europe's worst wartime atrocity since the Second World War.

"Slobodan Medic ordered the three defendants and two others to execute the prisoners, take them away from the site, and make it seem as if they had been killed in conflict," said presiding judge Gordana Bozilovic-Petrovic, explaining the trial chamber's decision rendered on April 10.

"By committing such acts against defenceless civilians, by showing off their power and not showing remorse, the defendants did not give the court the choice to pass lower sentences."

The main evidence in this case was an infamous video filmed by the defendants themselves.

It shows members of the Scorpions taunt the six young men - who were dirty and bruised and had their hands tied behind their backs - before herding them off to a clearing in the woods and shooting them in the back.

The executioners appear relaxed, as they casually smoke and chat.

The footage had lain hidden for ten years before a former member of the Scorpions contacted Serbian human rights activist and lawyer Natasa Kandic with information on its whereabouts.

It was then secretly passed on to war crimes prosecutors both in Serbia and at the Hague tribunal.

The video first became public when it was used in evidence in the trial of former Yugoslav president Slobodan Milosevic on June 1, 2005.

The same month, it was broadcast on TV news bulletins across the former Yugoslavia and beyond, causing disbelief and outrage. The images shocked many Serbs who had previously questioned whether the Srebrenica massacre had really taken place.

The five accused were arrested just hours after the video was broadcast on Serbian television, and their trial began in November 2005.

Twenty-one witnesses testified at the proceedings which ended last week, including relatives of the murdered Muslim men and boys. The prosecution asked for a maximum sentence for the accused, while the defence called for their acquittal.

On hearing the verdict, relatives of the victims - who were also present at the sentencing hearing in Belgrade - could not hide their disappointment.

"As a mother, I feel terrible, I feel humiliated," said Nura Alsipahic, whose teenage son Azmir was identified as one of the victims. "I thought this tape would be a sufficient proof and that the perpetrators would get the sentence they deserved."

Safeta Fejzic, the sister of Safet Fejzic, another Scorpions' victim, said she "couldn't believe the sentences were so mild and that one of the accused received only five years for the crimes he was charged with". Fejzic said families of the victims will demand a re-trial, which "should take place at the Hague tribunal".

Kandic, who represented the victims' families at this trial, said she too was disappointed with the judgment.

"Considering the seriousness of the crime committed, justice was not done with this verdict," she told reporters as she left the courtroom.

"The verdict neither brings justice to the defendants for what they have done, nor for the victims killed only because they were Bosnian Muslims from Srebrenica."

Most of the criticism leveled at the judgment was related to the length of the sentences, which many saw as inadequate, considering the seriousness of the crimes the accused were convicted of.

However, it is not clear if the court could have handed down longer sentences even if it had wanted to.

Under the old Yugoslav criminal code - which was in effect until 2004 - a maximum prison sentence was 20 years. The code also allowed for a death penalty, which was abolished in 2001, and replaced with a 40-year prison sentence.

Since the crimes of the four men were committed when the old code was in force, they had to be tried under its laws.

Therefore, Serbian legal experts say the maximum sentence for crimes committed before 2004 cannot exceed 20 years.

This contrasts with the practice used at Bosnia's War Crimes Chamber, where sentences are delivered according to the new criminal code - even for crimes committed before it came into force in 2003.

This means the maximum sentence possible is 40 years, rather than the 20 years allowed under the old code.

The decision to apply the new code retrospectively led to dozens of prisoners and indictees at the Bosnian war crimes court going on a mass hunger strike in January this year, demanding to be tried under the former Yugoslavia's more lenient code, which was in force during the 1992-95 war - when the alleged crimes took place.

It is not just the length of the sentences rendered which has sparked debates in Serbia and Bosnia.

Trial observers have also objected to the wording of the judgment, which came less than two month after the International Court of Justice, ICJ, ruling in Bosnia's genocide case against Serbia. The ICJ found that genocide took place at Srebrenica in July 1995, but acquitted Serbia of any direct involvement in this.

Reading out the verdict on April 10, Judge Bozilovic-Petrovic said the Scorpions were a paramilitary unit subordinated to the Vukovar Corps of the self-proclaimed Republic of Serb Krajina in Croatia, and were not controlled by the Serbian Ministry of Interior, MUP.

But in an interview with Bosnian Federal Television on April 11, Kandic disagreed with this statement and said the judges had made a political, not a legal decision.

"In the judgment, they said the Scorpions was a paramilitary unit and that it was not under Serbia's jurisdiction in any way," said Kandic. "But in my view, there was enough evidence to prove a direct link between the Scorpions and the Serbian MUP", she added.

The Humanitarian Law Center - a Belgrade-based NGO headed by Kandic - issued a statement on April 12, which said that "the court was led by political rather than legal reasons in an effort to adjust its stances to those of the Serbian authorities regarding the responsibility for genocide committed in Srebrenica, in the context of the International Court of Justice verdict".

The Croat member of the joint Bosnian presidency, Zeljko Komsic, agrees with this view.

“It seems the Serbian court did everything it could to avoid establishing any connection between the Scorpions unit and the Serbian government,” he said, commenting on the judgment.

Both parties have 30 days to appeal the judgment.

Merdijana Sadovic is IWPR Hague programme manager.

**Location:** Balkans  
Serbia  
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