

Serbia Angles for Croatia to Drop Genocide Case

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But Croatian president Stjepan Mesic says that's "out of the question".

A flurry of Serbian media reports this week on the possibility of Croatia withdrawing its genocide case against Belgrade pushed the thorny issue back into the spotlight, with Zagreb rushing to clarify that it was currently not considering dropping the case despite Serbia's overtures.

The media rush started when Serbian newspaper Vecernje Novosti published an interview with Croatian president Stjepan Mesic on April 6.

Asked if Croatia was considering withdrawing its action against Serbia, Mesic – who described bilateral relations as "very good" – said "discussions are being held about that, and we do not know what decision will be [reached] in the end".

Croatia first filed the lawsuit at the International Court of Justice, ICJ, in July 1999 against the then Federal Republic of Yugoslavia – of which Serbia is the legal successor – citing the Convention on the Prevention and Punishment of the Crime of Genocide.

Zagreb accuses Belgrade of fomenting and supporting a Croatian Serb insurgency following Croatia's declaration of independence from Yugoslavia in 1991, leading to 10,000 deaths and extensive material damage during four years of war.

Apart from hoping to establish an internationally-sanctioned verdict on responsibility for the war, Zagreb is also seeking compensation for damages, and if successful, plans to distribute the funds to survivors and victims' families.

Croatia watched closely during Bosnia's ICJ genocide case against Serbia over the 1992-95 Bosnia war. In a ruling delivered in early 2007, judges cleared Serbia of direct responsibility for the genocide committed by the ethnic Serb forces of Republika Srpska. But they concluded that Serbia failed to prevent genocide committed by Serb forces and failed to punish those responsible.

The ICJ ruled in November last year that it has jurisdiction to hear Zagreb's claim and gave Serbia until March 2010 to answer Croatia's accusations.

Indignant at this ruling, Serbia said it was considering launching a counter case at the ICJ over Croatia's 1995 Operation Storm against the rebel Krajina Serbs that triggered an exodus of Croatia's Serb population.

The Belgrade government's announcement was applauded by nationalist politicians and appeared to have the support of the public, although diplomats spoke of it as a counterproductive move that could further complicate Serbia's bid to join the European Union.

Although non-committal, Mesic's latest comments in the Vecernje Novosti were interpreted by the Serbian

press as a sign that the lawsuit might now be dropped.

This week, Serbian premier Mirko Cvetkovic was quoted in the press as saying that if Croatia withdraws its lawsuit for genocide, Serbia will drop its threat to launch a counter case.

“It is a possibility that, in the long term, relations can be normalised between the two countries, and to clearly show that as neighbours we have removed that obstacle inherited from the recent past,” he said.

Relations between the two ex-Yugoslav republics have improved in the past decade, with the only recent setback being when Serbia recalled its ambassador after Croatia recognised Kosovo, Serbia's former province, as an independent state last year.

There are some lingering disputes from the 1991-95 war related to the rights of Croatia's Serbs, the return of Serb refugees to Croatia, and the return of their property, as well as the fate of some 1,000 Croats still registered as missing.

But the genocide case is seen as the greatest bilateral issue.

Hearing of the Serbs' reaction to his interview this week, Mesic rushed to clarify his remarks and dismiss any possibility that the case might soon be dropped.

“That's out of the question,” he told reporters in Zagreb. “This is being discussed, but [only because it's been] proposed by the Serbian side.”

Meanwhile, Montenegro – Serbia's one-time partner in rump Yugoslavia – is close to agreeing a deal to settle the damage caused to Croatia, including to the city of Dubrovnik, by military attacks launched from its territory in 1991.

On February 27, the speaker of Montenegro's parliament, Ranko Krivokapic, said the country would not need to pay full reparations to Croatia. Instead, he said the two states would reach a bilateral agreement on Montenegro's “political and moral responsibility” for the assaults.

Tempted by new business opportunities in the smaller Adriatic republic, and assuaged by Montenegro's apologetic tone, Croatia has quietly abandoned demands for financial compensation and is seeking other solutions.

Although nothing has been agreed publicly, officials have indicated that instead of cash reparations, Zagreb would receive shares in Montenegrin state companies – a lucrative long-term investment that would also strengthen ties between the neighbours.

Ivo Josipovic, an international law professor who has represented Croatia in its case against Serbia, told IWPR this week that “the way in which the reparations issue was handled was essentially a political matter”.

“If Serbia showed the same readiness to settle matters as Montenegro, Croatia wouldn’t sue,” added Josipovic.

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