

## **Serbia Has No Reason to Celebrate**

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Some in Belgrade warn that the ICJ judgment should not be interpreted as a victory for Serbia.

Those reading the newspaper headlines in Serbia in the days after the UN's highest court cleared the republic of genocide charges could hardly believe that they were all talking about the same verdict.

"Serbia is innocent!" proclaimed the Belgrade tabloid Kurir, a day after the International Court of Justice, ICJ, judgment on February 26.

"Serbia was cleared of genocide charges," declared the pro-government Politika daily.

While the liberal daily Danas pronounced, "Serbia was not found innocent."

It's not just the press in Serbia who had differing views on the ICJ verdict - politicians and analysts also cannot agree whether the ruling gave Serbia more reasons to celebrate than to worry.

The ICJ judges said Serbia did not commit genocide in Bosnia; did not conspire or incite its commission; and was not complicit in genocide.

However, the UN's highest court ruled that Serbia did not use its influence to prevent the genocide of Bosnian Muslims in Srebrenica in July 1995.

The judges also found that its leaders failed to comply with international obligations to punish those who carried out that massacre, namely Bosnian Serb general Ratko Mladic.

Mladic, who was indicted in 1995 for genocide, together with Bosnian Serb wartime president Radovan Karadzic, is believed to have been hiding in Serbia for years.

Although Serbia has been officially acquitted of the most serious charges relating to genocide, that is not a reason to celebrate, warned Vladimir Todoric, editor of the Serbian Law Review.

"Serbia is the first state in history to be found guilty of violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide," Todoric said in an interview this week for the Belgrade television B92. "Therefore, we should not celebrate."

Former "ad hoc" judge at the ICJ and director of the Belgrade Centre for Human Rights Professor Vojin Dimitrijevic agrees.

“Serbia will face UN Security Council’s sanctions if it doesn’t apprehend all war crimes fugitives,” he said. “It has already been found guilty of failing to arrest and punish the perpetrators of war crimes.”

Milan Antonijevic, the executive director of the Yugoslav Law Committee, JUKOM, thinks that the ICJ decision will not help the reconciliation process in the region.

“The judgment has already created a lot of tension in Bosnia, and the fact that the blame was shifted from the Serbian government to the Bosnian Serbs will not help either,” he told IWPR.

“There is a lot of dissatisfaction in Sarajevo and plenty of unjustified joy in Belgrade. It is now Serbia’s turn to make the right move and calm the situation down.”

Unlike Antonijevic, Todoric thinks the ICJ judgment will promote reconciliation in the Balkans.

“ Serbia can now speak freely about the war in Bosnia, without fear of some political repercussions,” he told IWPR.

He also said that the ICJ in its ruling stated Republika Srpska was the result of ethnic cleansing, although he disagreed with some claims that this meant that the RS was founded on genocide.

Andrej Nosov, from the Youth Initiative for Human Rights, agrees with Todoric that the judgment is very important for reconciliation in the region.

“This ruling opens moral questions about what Serbia has done from 1990 until today, and what it could have done to prevent the Srebrenica genocide,” he told IWPR.

“The ICJ judgment clearly said that Serbia could have prevented genocide, but it failed to do that. Now Serbia has an obligation to tell the truth to the victims, to bring the perpetrators to justice and to do everything it can to prevent similar acts in the future.”

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