

## **Serbia Urged to End War Crimes Impunity**

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A Human Rights Watch report suggests Serbia has to do more to help local judiciary prosecute war crimes cases.

Belgrade's War Crimes Chamber has made progress in domestic prosecutions since it opened in 2003, but the Serbian authorities must increase its support for the court if it is to end impunity for war crimes in Serbia, said a Human Rights Watch report this week.

On June 28, HRW published a 32-page briefing called *Unfinished Business: Serbia's War Crimes Chamber*, which evaluated the work of the chamber since it was established four years ago.

"The Serbian War Crimes Chamber is a critical forum for ensuring full accountability for the crimes committed during the Balkans conflicts in the 1990s. In addition to bringing to justice perpetrators in Serbia who might otherwise go unpunished, the trials are a means of educating the public about these crimes," said the report.

"In order for the court to reach its potential, however, it must be fully funded and able to function independently. This requires political will from the Serbian government."

The Hague tribunal, which opened in 1993, is now winding down as part of its completion strategy by which the court must close by 2010. Lower- and mid-level war crimes suspects will be tried in the national courts of the former Yugoslavia, including Serbia's War Crimes Chamber.

"The Serbian government needs to show that it has the political will to end impunity for war crimes," said Sara Darehshori, senior counsel in Human Rights Watch's International Justice Programme.

"Belgrade must surrender the remaining fugitives to The Hague and provide the unequivocal public support needed for domestic war crimes prosecutions."

The War Crimes Chamber has so far completed three trials including that of those prosecuted in relation to the Vukovar massacre in Croatia in 1991, in which 14 men were found guilty. In this case, Serbia's supreme court ordered a retrial in December 2006, after the prosecution and the defence appealed on the grounds that the case had not been properly conducted.

In April 2007, the court handed down verdicts on five members of the Scorpions military unit which was filmed killing six Muslims near Srebrenica in July 1995. Two of the accused got 20 years in prison, one got 13 and the fourth got five years, while a fifth was acquitted.

The HRW report found that the War Crimes Chamber had taken important steps to improve cooperation with neighbouring Bosnia and Croatia; had introduced measures to ensure witness protection; and had made efforts through an outreach programme to encourage the media to become more sensitive when reporting on trials.

But it also said that work still has to be done in publicising the work of the court, and clarifying whether there is the commitment or the power under Serbian law to prosecute high-level officials on the basis of command responsibility.

On the same day the HRW report was published, the Hague tribunal's chief prosecutor Carla Del Ponte addressed the Parliamentary Assembly of the Council of Europe in Strasbourg.

In her speech, she impressed upon council members the importance of bringing the four remaining tribunal fugitives to justice as soon as possible.

"The failure to apprehend the fugitives in a timely manner would seriously undermine the ability of the tribunal to fulfil its mandate and would have a lasting negative impact on victims, as well as create a terrible legacy for the region as a whole," she said.

She noted the cooperation of Serbia, Croatia and Bosnia with the prosecutor's office has "generally improved".

Del Ponte pointed out that Serbia's level of cooperation had been problematic until recently but that over the last few weeks, since the new coalition government was formed on May 15, there had been some positive developments.

"I now expect Serbia to fully cooperate with my office by delivering the remaining fugitives who are all believed to be on its territory or within its reach," she said. "Full cooperation with the tribunal should be understood as implying the arrest and transfer of fugitives, and in particular [General Ratko] Mladic, to The Hague and full access to documents."

Trial observers say that Del Ponte is keen to see all fugitives in custody in The Hague before her second term as chief prosecutor expires in September.

It's still not clear who will succeed Del Ponte, but according to the sources close to the tribunal, the most likely candidate for that post is special UN prosecutor in Lebanon Serge Brammertz from Belgium, who currently leads an investigation into the assassination of Lebanese former prime minister Rafik Hariri.

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