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Serbia: the case of accused war criminal Šešelj

Greens/EFA motion for resolution

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on behalf of the Greens/EFA Group*

The European Parliament,

- having regard to its previous resolutions on Serbia,
- having regard to the European Commission's 2014 Progress Report on Serbia,
- having regard to its Rule 122 (5) of the Rules of Procedure,

A. whereas the International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the United Nations in 1993 to deal with war crimes that took place in the nineties in the Balkans laying the foundations for conflict resolution and post conflict development in the region; whereas this Tribunal has contributed to combating denial and helping communities come to terms with their recent history,

B. whereas on 12 November 2014 ultranationalist leader Vojislav Šešelj came back to Belgrade after the ICTY ordered his release from custody in the Netherlands for humanitarian reasons so that he could return home for cancer treatment,

C. whereas Šešelj is charged with crimes against humanity for leading ethnic Serbs volunteers in persecuting Croats, Muslims and other non Serbian communities during the nineties; whereas he voluntarily surrendered to ICTY in 2003 and went on trial four years later; whereas the trial wrapped up in March 2012 but the court is yet to issue a verdict, which is expected for next year,

D. whereas according to the conditions set by the Trial Chamber of the ICTY for his provisional release

Šešelj must not contact victims and witnesses and should return to the Tribunal on the Chamber's order,

E. whereas in his first statements after his release Šešelj vowed revenge against his former allies, labelled the UN tribunal "a wounded globalist beast that is still destroying the lives of prominent Serbian liberals and generals", reaffirmed his staunch support for "Greater Serbia" and announced there would be no voluntary return to The Hague,

F. whereas on the anniversary of the dramatic capture of Vukovar by the Yugoslav army and Serb forces in 1991 Šešelj congratulated the "Serb liberators" of the Croatian city while, on the contrary, Serbian peace group "Women in black" gathered in Belgrade to mourn the victims of the siege in a performance entitled "We will never forget Vukovar crimes",

G. whereas the ICTY spokesperson said the Tribunal had not found it necessary to consult the accused as to whether he would accept the conditions as the judges deemed there was no reason to believe Šešelj would not respect them,

H. whereas Serbia is about to start accession negotiations in order to join the EU and must be fully committed to the founding values of the Union,

1. Strongly condemns the hate speech and inflammatory statements of Vojislav Šešelj that further deeply offend the victims of war crimes, insult the collective memories of neighbouring countries, reopen the wounds of the past and risk to destabilise the social and political situation of the countries of the region;

2. Calls on the ICTY to immediately verify whether the conditions set for Šešelj's release have been respected by the accused and to eventually take the necessary measures accordingly;

3. Regrets that no ban was imposed on Šešelj as regards active involvement in political activities, participation in public demonstrations or appearances in party rallies;

4. Expresses its solidarity and sympathy to all victims of war crimes with regard, in particular, to those that are still waiting for justice and calls on the ICTY to make its procedures more efficient; reminds that bringing perpetrators to justice is an indispensable condition for a genuine and lasting reconciliation process;

5. Calls on the Serbian government to strengthen measures to tackle continuing impunity for crimes under international law committed by Serbian police, military and paramilitary forces during the wars of the 1990s;

6. Urges, in this regard, the Serbian authorities to open the archives of the Yugoslav People's Army in order to establish the truth of past tragic events and gather information, in particular, about of the persons who still remain missing;

7. Calls on the Serbian government to clearly distance itself from Šešelj's statements and firmly condemn any hate speech or incitement to hatred making every effort to prevent the escalation of nationalism, strengthen peace and stability, respect cultural and minority rights and support actively the reconciliation process between all countries and ethnic communities in the region;

8. Takes the view that the early opening of chapter 35 in accession negotiations with Serbia as well as with all the other candidate countries of the Western Balkans is of the utmost importance in order to measure the readiness of the countries concerned to engage peacefully in the resolution of bilateral controversies, overcome the misunderstandings of the past, promote good-neighbourly relations and reach the full normalisation of relations before EU accession;

9. Instructs its President to forward this resolution to the President, the Government and Parliament of Serbia, the EEAS, the Council, the Commission and the Council of Europe

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