



Humanitarian Law Center Foundation

# REPORT ON WAR CRIMES TRIALS IN SERBIA DURING 2023

INTRODUCTION AND GENERAL FINDINGS





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## INTRODUCTION AND GENERAL FINDINGS

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## Abbreviations

|   |  |
|---|--|
| <b>BiH</b>                              | Bosnia and Herzegovina   |
| <b>ECtHR</b>                            | European Court of Human Rights   |
| <b>EU</b>                               | European Union   |
| <b>European Convention</b>              | European Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe   |
| <b>HLC</b>                              | Humanitarian Law Center  |
| <b>GS</b>                               | Headquarters   |
| <b>JNA</b>                              | Yugoslav People's Army   |
| <b>KFOR</b>                             | Kosovo Force   |
| <b>CC FRY</b>                           | Criminal Code of the Federal Republic of Yugoslavia  |
| <b>IHL</b>                              | International Humanitarian Law   |
| <b>ICRC</b>                             | International Committee of the Red Cross   |
| <b>ICTY</b>                             | International Criminal Tribunal for the Former Yugoslavia  |
| <b>RoD</b>                              | Registry of deaths   |
| <b>RoM</b>                              | Registry of marriage   |
| <b>IRMCT</b>                            | International Residual Mechanism for Criminal Tribunals  |
| <b>MoI</b>                              | Ministry of the Interior   |
| <b>KLA</b>                              | Kosovo Liberation Army   |
| <b>ES</b>                               | Elementary School  |
| <b>PJP</b>                              | Special police units   |
| <b>ORPP</b>                             | Office of the Republic Public Prosecutor   |
| <b>RS</b>                               | Republika Srpska   |
| <b>RSK</b>                              | Republic of Serbian Krajina  |
| <b>SDA</b>                              | Party of Democratic Action   |
| <b>SDS</b>                              | Serbian Democratic Party   |
| <b>PS</b>                               | Police station   |
| <b>SJB</b>                              | Public Security Station  |
| <b>TO</b>                               | Territorial Defence  |
| <b>SOS</b>                              | Serb Defence Forces  |
| <b>UNPROFOR</b>                         | United Nations Protection Force  |
| <b>(P)OWCP</b>                          | (Public) Prosecutor's Office for War Crimes  |
| <b>VJ</b>                               | Yugoslav Army  |
| <b>VMA</b>                              | Military Medical Academy   |
| <b>VP</b>                               | Military Post  |
| <b>VRS</b>                              | Republika Srpska Army  |
| <b>VS</b>                               | Serbian Armed Forces   |
| <b>VTO</b>                              | Military-Territorial Detachment  |
| <b>Law on Prosecution of War Crimes</b> | Law on the Organization and Competence of State Authorities in Proceedings Against War Crimes Perpetrators |
| <b>CPC</b>                              | Criminal Procedure Code  |







## Introduction and methodology

This is the Introduction to the 12<sup>th</sup> Report of the Humanitarian Law Center (HLC) on war crimes trials in Serbia.

The HLC has monitored all war crimes trials conducted in the territory of Serbia in 2023, namely a total of 27 cases conducted before the War Crimes Departments of the Higher Court and the Court of Appeal in Belgrade. For each of the cases, the Report provides an overview of the proceedings and the HLC's basic findings which are of public relevance. A large number of the war crimes cases covered by this Report have been ongoing for a several years, hence the previous HLC's annual trial reports are also relevant for a full grasp of the course of the proceedings and the pertinent HLC findings.

The report focuses on the work of the Public Prosecutor's Office for War Crimes (POWCP)<sup>1</sup> and of the courts in those parts of the judicial proceedings open to the public, primarily by analysing the indictments and the judgments in each case. An analysis of the work of other bodies involved in the prosecution of war crimes – the War Crimes Investigation Service of the Serbian Ministry of the Interior (MUP), the Witness Protection Unit and others, cannot be undertaken in respect of the individual cases, as no information on their activities is publicly available.

In the reporting period, the War Crimes Department of the Higher Court in Belgrade issued **one** first-instance verdict.<sup>2</sup> The War Crimes Department of the Court of Appeal in Belgrade issued **five** verdicts that concluded the proceedings with final force and effect<sup>3</sup>, and **two** decisions that annulled the first-instance verdicts and remanded the cases for retrial.<sup>4</sup> In the reporting period, the POWCP, as it states, filed **three** indictments against seven persons, **two** of which are still in the examination phase before the competent court.<sup>5</sup> During 2023, one proceeding was conducted *in absentia*.<sup>6</sup> Further, in 2023 we saw the continuation of failure to execute the verdict of the Court of Bosnia and Herzegovina, dating from 2014, by which Novak Đukić was convicted and sentenced to 20 years in prison. As from 2018, when it was determined by an expert that Đukić was not competent to stand trial, the expert opinion has been presented every 12 months, and every time the expert opinion has been the same.<sup>7</sup>

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1 With the Law on Public Prosecution from February 2023, the former Office of the War Crimes Prosecutor changed its name to the Public Prosecutor's Office for War Crimes. In the Report, for easier following, the name Public Office of the War Crimes Prosecutor, or the abbreviation POWCP, will be used.

2 Case: *Zvornik – Standard*.

3 Judgments rendered in the cases: *Sanski Most – Lušci Palanka, Teslić, Kalinovik, Brčko – Logor Rasadnik and Đakovica*.

4 Cases: *Brod na Drini* and *Štrpci*.

5 POWCP Letter PI. no. 1/24 of 5 January 2024.

6 Case: *Zagreb*

7 About the Novak Đukić – Tuzlanska kapija Case, see the Annual Report on War Crimes Trials in Serbia in 2019: [https://www.hlc-rdc.org/wp-content/uploads/2020/03/Report\\_on\\_war\\_crimes\\_trials\\_2019.pdf](https://www.hlc-rdc.org/wp-content/uploads/2020/03/Report_on_war_crimes_trials_2019.pdf)



Since it began working in 2003 until the end of 2023, the POWCP brought indictments in 104 war crimes cases, indicting a total of at least 238 persons and encompassing at least 3,544 victims who lost their lives.<sup>8</sup> Final judgments have been rendered in 68 cases and 21 cases are ongoing. In cases which have been concluded by a final decision, a total of 94 accused have been convicted and 56 acquitted. Indictments were dismissed against 30 of the accused, either on account of their incapacity to stand trial, or because they were deceased. In the finally concluded cases, the indictments listed a total of 1,274 victims, whereas the final judgments list 1,048 victims who had lost their lives.

At the time of writing this Report, there are 17 convicts serving prison sentences, while one convict, Rajko Kozlina, is at large.

Based on requests submitted by BiH, four court decisions, referring to four persons, were recognised before the War Crimes Department of the High Court in Belgrade during 2021, 2022 and 2023.<sup>9</sup>

Below is the overview of general findings on war crimes trials in 2023, and of important socio-political developments which are of relevance for war crimes trials. The details regarding the proceedings and HLC's analysis of each individual case are provided in the full version of this report.

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8 The exact figures were impossible to ascertain, as not all indictments the POWCP declares having issued in 2022 and 2023 are publicly available.

9 Notification of the Higher Court in Belgrade Su II – 17a no. 291/23 of 23 January 2024.



# General findings and the socio-political context

## Inefficiency of the Public Prosecutor's Office for War Crimes

### Small number of indictments

Over the reporting period, the negative trend of a decreasing number of indictments has continued. During 2023, according to the POWCP, three indictments were brought against 7 persons<sup>10</sup>, one of which is an indictment with five accused persons, from a transferred case.<sup>11</sup> The other two indictments, in which there is one accused each, have not been confirmed. Such a small number of indictments is below any standard, and particularly so bearing in mind the capacities of the POWCP. The involvement of the POWCP regarding the indictments that resulted from the transferred cases has been minimal, because the prosecutor's work on the preparation of the indictment was already completed before the assignment – an investigation was conducted, and an indictment was filed and confirmed before the competent foreign court.<sup>12</sup> There have been only two indictments which are the result of the POWCP's own investigation, and they have not yet been confirmed, which allows for a conclusion that its work has been unacceptably inefficient. This is especially the case considering that in 2023, the POWCP had 11 prosecutors, as well as the Chief Public Prosecutor of the Public Prosecutor's Office for War Crimes. In addition, the POWCP had a budget of 220,510,000 dinars<sup>13</sup> for the year 2023, which included the monthly salary of the Chief Public Prosecutor for War Crimes of 579,029.15 dinars, and that of the other public prosecutors in the range of 378,352.14 – 405,377.30 dinars.<sup>14</sup> With such a budget and income, the POWCP should have justified the results of its work with a far greater number of indictments filed and confirmed. Due to the absence of end results of the POWCP's work, that is indictments and trials, any strategy for prosecuting war crimes, National or Prosecutorial, loses its meaning.

The six-year mandate of the Chief Public Prosecutor for War Crimes, Snežana Stanojković, has expired, given that she took office on 31 May 2017.<sup>15</sup> The Law on Public Prosecution stipulates that, if the Chief Public Prosecutor ceases to function, the High Prosecutorial Council appoints an Acting

10 Indications: KTO 1/23 against Ilija Krčmar, Svetislav Račić, Željko Bajić, Nikola N. Ćuk and Nikola D. Ćuk, while for the other two indications no information is available on the identity of the two accused.

11 Indictment KTO 1/23.

12 The revised prosecutor's strategy for the investigation and prosecution of war crimes in the Republic of Serbia for the period 2022-2026. In 2016, it is foreseen that the cases taken over from the regional prosecutor's offices will have priority in the proceedings, see: Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia (2022-2026), p. 6, available at: <https://www.tuzilastvorz.org.rs/public/documents/2023-11/revidirana%20strategija.pdf>, accessed 21 March 2024.

13 Law on the Budget of the Republic of Serbia for the year 2023, Official Gazette of the RS no. 138/2022-3, 75/2023-3, available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2022/138/1/reg>, accessed 20 March 2024.

14 Information sheet on the work of the Public Office of the War Crimes Prosecutor, p. 46, <https://informatior.poverenik.rs/informatior?org=xBzYaNoe3v7aP2KWw>, accessed 20 March 2024.

15 "Snežana Stanojković takes office as Serbian War Crimes Prosecutor", POWCP, 31 May 2017, available at: <https://www.tuzilastvorz.org.rs/en/news/sne%C5%BEana-stanojkovi%C4%87-takes-office-serbian-war-crimes-prosecutor-0>, accessed 28 March 2024.



Chief Public prosecutor until the new Supreme Public Prosecutor takes office, for a maximum of one year. Accordingly, in May 2023, Ms. Stanojković was appointed as the acting official.<sup>16</sup> The new prosecutor needs to be elected on time, to avoid the problems that arose in the earlier period, when the Republic of Serbia did not have a prosecutor for war crimes for 17 months. The HLC wrote about the consequences of the drastic delay in the selection of the Prosecutor for War Crimes in the Report on War Crimes Trials in 2017-2018.<sup>17</sup>

During the almost seven-year mandate of Ms. Stanojković, despite the strengthening of the POWCP personnel capacities, only 39 indictments were confirmed.<sup>18</sup> Of those, 23 were transferred from Bosnia and Herzegovina (which makes up for 59%), whilst only 16 independent indictments raised, for almost seven years of work, constitutes no more than 2.28 independent indictments per year of work. Such statistics indicate the extremely poor results of the POWCP's work, and the need to have a person at its head who will ensure greater work efficiency and effective spending of the budgeted funds.

### **Excessive and unnecessary anonymisation**

During the reporting period, the POWCP continued with the practice of excessive and unnecessary anonymisation of the indictments that it makes available to the public on its website.

The Rulebook of the POWCP on the anonymisation of personal data in indictments<sup>19</sup> stipulates that indictments of the POWCP are "published as a rule in their entirety on the POWCP website, but the data on the basis of which it is possible to identify the accused, injured parties, their legal representatives, witnesses, relatives, close persons, neighbours and the like, are replaced or omitted in a consistent manner".<sup>20</sup> However, instead of publishing the indictment as a whole, the POWCP publishes only its disposition, so it is in no way possible to determine on what evidence an indictment is based.

The Rulebook also provides for the anonymisation of personal data of participants in the procedure, such as "name, surname and nickname of a natural person, address, date and place of birth"<sup>21</sup>, but at the same time provides that "anonymisation is not to be applied to data such as the name, surname and nickname of a natural person, participant in the procedure (the accused is a participant in the procedure), in the event where the justified interest of the public to know prevails in relation to the protection of the identity of a natural person". Also, it is explicitly stipulated that data on a participant

16 Law on Public Prosecution Service, Article 41.

17 *Report on War Crimes Trials during 2017-2018*, HLC, May 2019, available at: <https://www.hlc-rdc.org/wp-content/uploads/2019/05/Report-on-War-Crimes-Trials-in-Serbia.pdf>.

18 One indictment, after the court sent it back to the Prosecutor's Office for revision, received a new number and was presented as new, so the official statistics present 40 indictments, but in fact it is 39 indictments.

19 Rulebook on the Anonymisation of Personal Data in War Crimes Prosecution Indictments of 20 March 2019, POWCP, available at: [https://www.tuzilastvorz.org.rs/public/documents/2021-04/%D0%9A%D0%A2%D0%9E\\_2\\_20\\_%D0%90%D0%BD%D0%BE%D0%BD%D0%B8%D0%BC%D0%B8%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%BE.pdf](https://www.tuzilastvorz.org.rs/public/documents/2021-04/%D0%9A%D0%A2%D0%9E_2_20_%D0%90%D0%BD%D0%BE%D0%BD%D0%B8%D0%BC%D0%B8%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%BE.pdf), accessed 6 February 2023.

20 *Ibid*, Article 1, Paragraph 2.

21 *Ibid*, Article 5, paragraph 1.



in the procedure are exempted from anonymisation if it is a person whose data was already available to the public.<sup>22</sup> As the names of the accused have been anonymised, it is obvious that the POWCP does not take into account the provisions of its own Rulebook and completely ignores the interest of the public to know the identity of persons charged with a war crime. The Prosecutor's Office itself publishes on its website monthly trial schedules listing the full names and surnames of accused persons, thus it remains unclear why they are omitted from the indictments. The pointlessness of the anonymisation performed by the POWCP is particularly evident when it comes to indictments taken from BiH, where the POWCP anonymises the names of accused and victims, although there is no need for such anonymisation, because data on the identity of the accused were previously available to the public on the portals of the courts of BiH. In addition, the media in BiH report on the indictments filed, and often the domestic media report that the Republic of Serbia has taken over the criminal prosecution, so there are no grounds for anonymisation.

It is obvious that the POWCP anonymises indictments without making any effort to harmonise anonymisation with its own Rulebook, nor does it take into account the need for the process to be transparent and that the public be adequately informed about it. By such anonymisation, the POWCP makes publicly disclosed indictments extremely unclear<sup>23</sup>, and the accused invisible to the public, which is completely contrary to both the National Strategy from 2016<sup>24</sup> and the Prosecutorial<sup>25</sup> Strategy for the Prosecution of War Crimes in Serbia. Namely, these strategies envisage the improvement of the overall attitude of society towards war crimes trials, primarily through the facilitated availability of information on war crimes proceedings, to achieve the ultimate goal, which is improved transparency of war crimes proceedings. In a situation where the general public is not able to find out the names of the accused by reviewing the website of the POWCP, the POWCP sends a clear message that the goals of the strategies are a mere formality, and the victims are irrelevant, and that transparency of trials and the informing of the public about them are not goals that the POWCP strives to achieve.

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### **Deceptive regional cooperation**

Regional cooperation is necessary to prosecute war crimes suspects effectively. However, despite the signed Protocol on Cooperation in the Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide, the POWCP is not ceding prosecution to the judiciary of Bosnia and Herzegovina, although there are conditions for this. At the same time, the POWCP has filed fewer indictments than it has received from colleagues in BiH, given that indictments from BiH account for 59% of all confirmed indictments in the last 7 years.

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22 *Ibid*, Article 5, paragraph 2.

23 On all POWCP indictments, the Respondents are designated as A.A. available at: <https://www.tuzilastvorz.org.rs/en/cases/indictments>, accessed on 16 January 2023.

24 National Strategy for War Crimes Prosecution 2021-2026, available at: <https://www.mpravde.gov.rs/files/NATIONAL%20STRATEGY%20FOR%20WAR%20CRIMES%20PROSECUTION%201.pdf>, accessed 16 January 2023.

25 Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia (2022-2026), available at: <https://www.tuzilastvorz.org.rs/public/documents/2023-11/revidirana%20strategija.pdf>, accessed on 21 March 2024.



Regional cooperation implies two-way cooperation and transfer of cases to the BiH judiciary, and not just taking over cases prepared by colleagues from the neighbouring country. The POWCP did not cede the cases of *Čelebići*, *Hrasnica* and *Brčko – Rasadnik Camp*, even though the legal conditions for this had been met, given that the accused are citizens of BiH. The Prosecutor's Office also ignored the Protocol as far back as 2016, when it concluded a Plea Agreement with Brano Gojković, a citizen of BiH, immediately after the Prosecutor's Office of BiH sent a request for his extradition due to his participation in the killing of over 1,000 detainees in Srebrenica. Regarding the POWCP procedure and the verdict, the Prosecutor's Office of BiH issued a statement in which it pointed out that justice would have been more efficient if the procedure had been conducted before the Court of BiH.<sup>26</sup>

At the beginning of December 2022, the POWCP issued an indictment against Miomir Jasikovac, commander of the military police unit of the Zvornik Brigade of the VRS. The Prosecutor's Office charged Jasikovac with imprisoning members of the BiH Army and male civilians who were transferred to Orahovac and Ročević, and to the dam in Petkovci, knowing that they would then be executed. According to the indictment, more than 300 people were killed at these locations. However, the Prosecutor's Office of BiH had issued an indictment against Jasikovac some ten days earlier, on 23 November 2022, charging him with genocide, for events identical to those for which he was accused by the Serbian POWCP, but referring to the significantly higher, and accurate, number of some 2,300 executed prisoners, with the clear explanation that these events were related to Srebrenica.<sup>27</sup> Instead of following due course and ceding the case to BiH, if Jasikovac proved not to be available to the BiH judiciary, the POWCP immediately filed an indictment, greatly reducing the number of victims, avoiding any mention of Srebrenica, and on the same day concluded a plea agreement with the accused, with the unacceptably low, minimal prison sentence of five years.<sup>28</sup>

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In mid-December 2021, the Prosecutor's Office of BiH issued an indictment against Milenko Živanović, and the Court of BiH confirmed the indictment on 31 December.<sup>29</sup> The POWCP filed an indictment against Živanović for the same kind of acts on 21 December 2021, which indicates that adequate cooperation between the two prosecutors' offices was lacking.

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26 Back in 2010, BiH issued an international arrest warrant for Brano Gojković; "The Prosecutor's Office of BiH is not satisfied with the consensual recognition in the case against Brano Gojkovic concluded by the Prosecutor's Office in Belgrade", Press Release of the Prosecutor's Office of BiH, 5 February 2016, available at: <https://www.tuzilastvobih.gov.ba/?id=3181&jezik=b>, accessed on 28 March 2024.

27 Indictment of the Prosecutor's Office of BiH number T20 0 KTRZ 0004388 05, available at: [https://www.tuzilastvobih.gov.ba/files/docs/Anonimizirana\\_optuznica\\_Miomir\\_Jasikovac.pdf](https://www.tuzilastvobih.gov.ba/files/docs/Anonimizirana_optuznica_Miomir_Jasikovac.pdf), accessed on 12 December 2023.

28 The analysis of the plea agreements concluded so far shows that the Prosecutor's Office only concluded plea agreements with the defendants Miomir Jasikovac and Brano Gojkovic, whose actions related to Srebrenica and the murders of prisoners were criminalised on the same day that the indictments were filed and agreements reached with the defendants on very low prison sentences. Judgment of the High Court in Belgrade part no. 1/22 of 13 January 2023, which confirmed the plea agreement with Miomir Jasikovac; Judgment of the High Court in Belgrade SPK - Po2 no. 1/2016 of 27 January 2016 confirming the plea agreement with Brano Gojković.

29 Case of the Court of Bosnia and Herzegovina S1 1 K 041813 21 Kro *Milenko Živanović*.



So far, only one case has been transferred to the BiH judiciary, in the proceedings initiated against a citizen of BiH, Edin Vranj. However, the transfer of this case was realised only after the public intervention of the President of Serbia, which indicates that the transfer took place in a non-institutional manner, due to political pressure, and not as a result of cooperation between the Prosecutor's Offices of Serbia and BiH.<sup>30</sup>

## Reduced availability of witnesses

During 2023, there was a continuation of the trend of low availability of witnesses for war crimes proceedings. Out of a total of 144 scheduled main hearings, 48 were not held, 21 of which owing to the absence of invited witnesses, i.e. 43.75%. One of the reasons for the absence of witnesses lies in the fact that in some cases more than thirty years have passed since the crimes were committed and many of the witnesses and the injured parties are elderly and in ever poorer health, and therefore find it increasingly difficult to come to testify. Year after year, the number of witnesses who are able and willing to testify is decreasing. In addition, some are located abroad, and it is more difficult to make contact with them, while some no longer want to respond to the summons to testify, which leads to frequent delays in the trials and makes it difficult to conduct the proceedings.

One of the reasons why witnesses do not respond to the court's summon is the lack of preparedness of the POWCP in cases transferred from BiH. The POWCP should check the ability and availability of witnesses before filing its own indictment, as well as whether the data on witnesses (such as the addresses, which may be a over ten years old) corresponds to the data contained in the case files. Instead, the POWCP only copies them and lists them as its evidentiary proposals. In such a situation, during the preparatory hearing, the court adopts the Prosecutor's proposal to hear those witnesses directly, and only when attempting to summon them, it becomes evident that they have not been living at the addresses provided by the POWCP for a long time, or that they are of such a state of health that they are unable to testify, or that they have deceased in the meantime. This wastes valuable time and resources, and unnecessarily delays the process. A particular issue has been observed in the *Rudice* Case, where the POWCP has not been able to ensure the presence of a key prosecution witness for more than two years – yet insists on his direct examination. In war crimes proceedings, witnesses are extremely important, and often the only relevant means to provide proof, so there is a danger that in the future we will increasingly face problems in prosecuting war crimes because in the absence of witnesses, evidence will not be available. Additionally, as mentioned above, only a small number of war crimes indictments are being filed in Serbia, while the transfer of criminal prosecutions through regional cooperation is slow, so that several years may pass from the moment of confirmation of an indictment in BiH until the case is transferred and the indictment is filed by the POWCP.

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30 "Vučić urges Serbian judicial authorities to get in touch with BiH colleagues", *RSE*, 17 September 2021, available at: <https://www.slobodnaevropa.org/a/vucic-hapsenja-ratni-zlocin-edin-vranj/31465789.html>, accessed on 5 April 2023.



## Postponement of trials due to the failure of the High Judicial Council and changes in the composition of the panel of the War Crimes Department

The mandate of the War Crimes Department judge at the High Court in Belgrade, Dejan Terzić, expired on 30 April 2023. In 2014, he was appointed as a judge of the Court of Appeal in Novi Sad by the High Judicial Council to the High Court in Belgrade at the Department for Organised Crime and the War Crimes Department, with a term of six years. After the end of the six-year term in 2020, Judge Dejan Terzić's term of office was extended by the High Judicial Council for one year each year. However, although the President of the High Court in Belgrade submitted a request to the High Judicial Council in March 2023 to extend the mandate of Judge Terzić, this proposal was not decided upon at all, because the then President of the Council, Jasmina Vasović, did not include the request in the agenda of the session. Thus, the Council, the body that should guarantee the independence and autonomy of courts and judges, violated its own Rules of Procedure<sup>31</sup> and failed to make a reasoned decision and state the reasons why the judge's term of office was not extended. The Council is not an administrative body that can apply the institute of silence in its work, but a body that has to decide on a request one way or another, to make a decision that has to be reasoned.<sup>32</sup> Judge Dejan Terzić was a member or president of the panel in nine war crimes cases (*Srebrenica*, *Srebrenica II*, *Jajce*, *Bosanska Krupa – Donji Dubovik*, *Rudice*, *Lovas II*, *Bratunac II*, *Višegrad*, and *Bratunac-Borkovac*), so all these trials had to be postponed, until a new judge was assigned to the position, after which the main hearing had to start again. In May 2023, by changing the annual schedule in the High Court in Belgrade, Judge Bojan Mišić was assigned to the War Crimes Department<sup>33</sup> as a replacement for Judge Terzić, and the main hearings in these cases began anew.

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The consequence of this was the inevitable delay of the trials, which could have been avoided. This will negatively affect the further course of the process, extend the duration of the proceedings, and require additional resources that could have been used effectively. Above all, such delay in the procedure destroys the trust of the victims' families, who have perceived it as the Republic of Serbia's lack of interest in achieving justice before its courts.

### ***Trial in absentia***

The Zagreb Case is currently the only trial *in absentia* being conducted in the War Crimes Department of the Higher Court in Belgrade. The accused, Branko Tunić, is a citizen of the Republic of Croatia, where he resides, and he is not available to the state authorities of the Republic of Serbia. Therefore, the court has decided to try him *in absentia*, assessing that the conditions prescribed by the Criminal Procedure Code for such a trial have been fulfilled. Although this type of process is envisioned by

31 Rules of Procedure of the High Judicial Council, accessed on 27 March 2024.

32 Article 32 of the Rules of Procedure of the High Judicial Council.

33 Amendments to the annual schedule for 2023, dated 11 May 2023, Higher Court in Belgrade, available at: <https://www.bg.vi.sud.rs/files/IZMENA%20GRP%20SU%20I-2%20-114-23-1.pdf>, accessed 27 March 2024.





domestic criminal legislation, the HLC believes that it should not be applied in proceedings for war crimes, rather that such cases should be resolved through regional cooperation.

The application of the institute of trial *in absentia* in Serbia and the region has an extremely negative impact on the process of dealing with the past and has little chance of bringing perpetrators to justice. It therefore represents a non-rational use of resources and a step backwards in the prosecution of these crimes.

## **Implementation of the 2021-2026 National Strategy for the Prosecution of War Crimes in the Republic of Serbia**

On 14 October 2021, the Government of the Republic of Serbia adopted a new National Strategy for the Prosecution of War Crimes, for the period 2021-2026 (National Strategy).<sup>34</sup>

The objectives of the adopted National Strategy have been defined as: improving the efficiency of war crimes proceedings; the protection of and support to injured parties and witnesses in war crimes trials; the mechanisms to determine the fate of missing persons; stepping up cooperation with the International Residual Mechanism for Criminal Tribunals (IRMCT); and promotion of regional and wider international cooperation and of other mechanisms in the service of transitional justice.

Along with the National Strategy, an Action Plan for the implementation of the 2021-2026 National Strategy for the Prosecution of War Crimes (Action Plan) was adopted.<sup>35</sup>

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The first National Strategy was adopted by the Government of the Republic of Serbia on 20 February 2016, covering the period from 2016 to 2020. It defined a set of activities whose common goal was to improve the processing of war crimes in Serbia.<sup>36</sup> The HLC monitored and reported on the implementation of this National Strategy, and the review of the results of the implementation of the first National Strategy was published in five reports presented by the HLC during the period of implementation of the Strategy.<sup>37</sup>

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<sup>34</sup> National Strategy for War Crimes Prosecution, 2021-2026, available at: <https://www.mpravde.gov.rs/files/NATIONAL%20STRATEGY%20FOR%20WAR%20CRIMES%20PROSECUTION%201.pdf>, accessed 28 March 2024.

<sup>35</sup> Action Plan for the Implementation of the National Strategy for Prosecuting War Crimes for the period from 2021 to 2026, available at: <https://www.mpravde.gov.rs/files/Action%20Plan%201.pdf>, accessed on 28 March 2024.

<sup>36</sup> National Strategy for War Crimes Prosecution in Serbia 2016-2020, available at: <https://www.mpravde.gov.rs/files/National%20Strategy%20for%20the%20Prosecution%20of%20War%20Crimes.pdf>, accessed 28 March 2024.

<sup>37</sup> First Report on the Implementation of the National War Crimes Strategy, HLC, December 2017; Second Report on the Implementation of the National War Crimes Strategy, HLC, June 2018; Third Report on the Implementation of the National War Crimes Strategy, HLC, December 2018; Fourth Report on the Implementation of the National War Crimes Strategy, HLC, June 2019; Fifth Report on the Implementation of the National War Crimes Strategy, HLC December 2019.



The overall conclusion of the HLC in relation to the results achieved through the First National Strategy is that the primary goal – increasing the efficiency of war crimes proceedings before the authorities of the Republic of Serbia – had not been achieved.

The results of the implementation of the new, current National Strategy, have been even worse. This is especially evident in relation to the goal of increasing efficiency, given that in 2023, the POWCP did not file any confirmed indictments on the basis of its own investigation, and only three in total, two of which are still unconfirmed, and one has been transferred from BiH. That the results of the implementation of the current National Strategy are extremely poor is also evident from the Annual Progress reports of the European Commission for Serbia for 2023<sup>38</sup>, which states that "the [t]empo of Serbia in the prosecution of war crimes cases has significantly deteriorated in recent years" and that "a genuine commitment to resolving cases, including high-profile suspect cases, should be ensured".<sup>39</sup>

To monitor the implementation of the new National Strategy, a Working Body for Monitoring the Implementation of the National Strategy was established on 9 December 2021, consisting of representatives of all relevant institutions involved in the implementation of the National Strategy. The Working Body on the results of the implementation of the Strategy reports quarterly to the Government, and the Reports on the Implementation of the Strategy are published on the website of the Ministry of Justice and the POWCP.<sup>40</sup> Although the Strategy sets out that the Reports would be prepared and published quarterly, by the time of writing of this, only one Report on the Implementation of the National Strategy for the Prosecution of War Crimes for 2023 has been published, covering the period from 1 January to 31 March 2023.<sup>41</sup>

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The Report informs that a Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes was adopted at the collegium of the Prosecutor's Office on 27 December 2022<sup>42</sup>, with validity until 2026, and with the accompanying Action Plan.

Furthermore, periodic media conferences organised by the POWCP are also envisaged by the Strategy. However, starting from the last quarter of 2021, no such press conference was held until March 2023.

Such non-transparent work, and absence of information that should be available to the public, prevents adequate monitoring and analysis of the implementation of the National Strategy by the professional public, and *de facto* excludes the public from this process.

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38 Annual Report of the European Commission on Serbia's Progress in the EU Accession Process for 2023, available at: [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/ec\\_report\\_serbia\\_2023.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec_report_serbia_2023.pdf), accessed 20 March 2024.

39 *Ibid.*

40 Decision of the Government of the Republic of Serbia 05 no. 02-11325/2021 of 9 December 2021.

41 Report No. 5 on the Implementation of the National War Crimes Strategy available at: <https://www.mpravde.gov.rs/files/R%D0%B5port%20No.%20%205%20on%20the%20Implementation%20of%20the%20National%20Strategy%20for%20the%20Prosecution%20of%20War%20Crimes.docx>, accessed 21 March 2024.

42 *Ibid.*



Although the Reports state that a number of activities are being carried out to improve efficiency in war crimes proceedings, the basic result – which should be the initiation of a higher number of proceedings – is still absent. The number of independently filed indictments in 2023 – two, against two perpetrators, which have not yet been confirmed at the time of writing of this Report – clearly indicates a downward trend, instead of an increase in the efficiency of the work of the Prosecutor's Office. Therefore, there is a justified concern that during the period of validity of the current National Strategy, the goal of increasing the efficiency of the work of the POWCP will not be achieved, but rather, that the result will be the opposite.

## **Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia (2022- 2026)**

The Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia for the period 2022-2026 with accompanying Action Plan, was adopted at the collegium of the Prosecutor's Office on 27 December 2022.<sup>43</sup>

The main goal of the Strategy is to increase the efficiency of work, with the focus on the seven previously set specific objectives: increasing the efficiency of investigation and prosecution in accordance with the priorities; improving the mechanism of protection and support for witnesses and victims; improving regional cooperation in the prosecution of war crimes; improving cooperation with the Provisional Institutions in Priština, through EULEX; improving cooperation with the IRMCT; making progress in clarifying the fate of missing persons; and improving transparency in the work of the POWCP. The existing criteria for prioritisation have been further specified, to cover cases related to crimes with egregious consequences, such as a large number of victims and multiple acts of execution; cases with elements of sexual violence; cases in which the perpetrators were persons of higher rank in the army, police or civil authorities; cases transferred from regional prosecutors' offices and prosecuting them in accordance with the availability of evidence, suspects, witnesses and victims; and cases in which evidence was provided by the ICTY/IRMCT. These criteria were elaborated in detail by a special act, but such act has not been made available to the public. The POWCP has established a Working Group for the selection of cases by priority, tasked with a detailed review of all cases in which investigation and pre-investigation procedures are active. The cases will be divided into three groups according to the above criteria, and deadlines will be set for each case to be processed. The strategy sets out instruments for the implementation of this task aimed at creating a list of priority war crimes cases. The Action Plan set a deadline for the formation of a list of priority cases during the first two quarters of 2023.<sup>44</sup>

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43 Revised Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia (2022-2026), available at: <https://www.tuzilastvorz.org.rs/public/documents/2023-11/revidirana%20strategija.pdf>, accessed on 21 March 2024.

44 Action Plan, activity 1.1.1, p. 2.



It was also determined that it is necessary to ensure full transparency of the results of the Prosecutorial Strategy's implementation, and to improve dialogue with the civil society organisations and academic community, and increase efficiency in cooperation with the media. It is envisaged that regular public report on the implementation of the Prosecutorial Strategy on a quarterly basis will be published within 15 days of the date of adoption of the report at the prosecutorial collegium.<sup>45</sup>

During the development of this Strategy, there were no consultations with civil society organisations or relevant international organisations, as was noted in the European Commission's Progress Report on Serbia's EU accession process for 2023.<sup>46</sup>

More than a year after the adoption of the Revised Prosecutorial Strategy, by the end of March 2024, there was not a single report on its implementation. The last report on the implementation of the prosecutorial strategy available to the public on the POWCP website, is the Report on the Implementation of the Prosecutorial Strategy for the Investigation and Prosecution of War Crimes for the third and fourth quarters of 2022.<sup>47</sup> Bearing in mind the results of the work of the POWCP during 2023 – only two independent indictments against two persons, which have not yet been confirmed – there are fears that during the implementation of this Revised Strategy the efficiency of the POWCP's work will be reduced, instead of increased.

## Set of new judicial laws

18 On 9 February 2023, the National Assembly of the Republic of Serbia adopted a set of judicial laws that implemented changes to the Constitution in the part related to the organisation and regulation of judicial bodies, with the aim of strengthening the rule of law and increasing legal security through an independent judiciary and a more independent public prosecutor's office, in order to fulfil the obligations assumed in the process of European integration. The Law on Judges, the Law on Organisation of Courts, the Law on the High Judicial Council, the Law on the Office of Public Prosecutor and the Law on the High Prosecutorial Council were adopted.

The Law on the Organisation of Courts<sup>48</sup> regulates the establishment, abolition, types, scope and actual jurisdiction of the court, the internal organisation of the court, judicial administration, court staff, justice administration, the security of the court and means for the work of courts. According to the same law, the former Supreme Court of Cassation, as the highest court in the Republic of Serbia, continued its work as the Supreme Court.

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45 *Ibid.*

46 Annual Report of the European Commission on Serbia's Progress in the EU Accession Process for 2023, available at: [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/ec\\_report\\_serbia\\_2023.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec_report_serbia_2023.pdf), accessed 20 March 2024.

47 Report on the implementation of the prosecutorial strategy for the investigation and prosecution of war crimes for the third and fourth quarters of 2022, available at: <https://www.tuzilastvorz.org.rs/public/documents/2023-11/%D0%98%D0%97%D0%92%D0%95%D0%A8%D0%A2%D0%90%D0%88%203.%20i%204%20%D0%9A%D0%92%D0%90%D0%A0%D0%A2%D0%90%D0%9B%202022..pdf>, accessed 21 March 2024.

48 Law on Arrangement of Courts (*Official Gazette of RS, No. 10/2023*).



The Law on Judges<sup>49</sup> regulates the position of the judge, issues of incompatibility with the judicial function, evaluation of the work of the judge, the material position of the judge, the conditions and procedure for the election of the judge, the termination of the judicial function, the position of the president of the court, the position of the lay judge and the disciplinary responsibility of the judge. The most important change regarding the election of judges is that judges are no longer elected by the National Assembly, but by the High Judicial Council.

The Law on the High Judicial Council<sup>50</sup> regulates the position, jurisdiction, organisation and manner of work of the High Judicial Council, the conditions and procedure for the election of the elective member of the Council, the duration of the term of office and the termination of office, and the provision of conditions and means for the work of the Council. The Council has 11 members, six of whom are judges elected by judges, four prominent lawyers elected by the National Assembly, and one, the President of the Supreme Court, as a member by position.

The Law on the Office of the Public Prosecutor<sup>51</sup> regulates the organisation and competence of the Office of the Public Prosecutor, the conditions, procedure for the election and termination of office of the Public Prosecutor, the rights and duties of the holder of the Office of the Public Prosecutor, the evaluation of the work of the Chief Public Prosecutor and the Public Prosecutor, the disciplinary responsibility of the holder of the Office of the Public Prosecutor, the performance of administrative tasks in the Office of the Public Prosecutor and the judicial administration, the provision of funds for the work of the Office of the Public Prosecutor, and other issues of importance for the work of the Office of the Public Prosecutor.

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The Office of Public Prosecutor of the Republic of Serbia consists of the supreme office of the public prosecutor, appellate offices of the public prosecutor, higher offices of the public prosecutors, basic offices of the public prosecutor and office of the public prosecutor of special competence. Offices of the public prosecutor of special competence are the Office of the Public Prosecutor for Organised Crime and the Office of the Public Prosecutor for War Crimes. The function of the Office of the Public Prosecutor is performed by the Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor.<sup>52</sup> This means that the former Republic Office of the Public Prosecutor is now the Supreme Office of the Public Prosecutor, and the former Republic Public Prosecutor is now the Supreme Public Prosecutor, while the former Public Prosecutors are now the Chief Public Prosecutors, and the former Deputy Prosecutors are now Public Prosecutors.

The most important change is that the Supreme Public Prosecutor is now elected by the National Assembly, at the proposal of the High Prosecutorial Council, while the General Public Prosecutor and Public Prosecutors are elected by the High Prosecutorial Council, while previously they were all elected by the National Assembly.

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49 Law on Judges (*Official Gazette of RS, No. 10/2023*).

50 Law on the High Judicial Council (*Official Gazette of RS, No. 10/2023*).

51 Law on Public Prosecutor's Office (*Official Gazette of RS, No. 10/2023*).

52 Articles 3 and 4 of the Law on the Public Prosecutor's Office.



The Law on the High Prosecutorial Council<sup>53</sup> regulates the position, jurisdiction, organisation and manner of work of the High Prosecutorial Council, the conditions and procedure for the election of an election member of the Council, the duration of the term of office and the termination of office and the provision of conditions and means for the work of the Council. The Council has 11 members, five of whom are public prosecutors elected by the holders of the public prosecutorial office, four prominent lawyers elected by the National Assembly, the Supreme Public Prosecutor and the Minister of justice, as members by position.

The adoption of these laws should ensure the establishment of an independent judiciary and an independent prosecutor's office, and remove political control over the election of judges and prosecutors. However, the aforementioned legal solutions were criticized for pointing out that such legal solutions are a compromise between the profession and politics, and that the impact of politics is now only more hidden, i.e. that such an impact is possible through prominent lawyers who have become members of the High Judicial and Prosecutorial Councils, without whose consent it will not be possible to make decisions.<sup>54</sup>

### **Attitudes of state officials, the media, and the public towards war crimes**

20 Glorification of persons convicted of war crimes, relativisation of crimes and denial of court-established facts about crimes, once again marked the official policy of remembrance of the wars of the 1990s during 2023, both by state officials and in the reporting of most media outlets.

In January, *Politika* newspaper gave the opportunity to the former general of the Yugoslav Army, Vladimir Lazarević, who was convicted before the ICTY of aiding and abetting crimes against humanity committed in Kosovo, to openly deny the crimes committed in Kosovo, as well as the crime at the Markale market, Sarajevo, in 1994. In the interview, Lazarević denied the crime committed in Račak and manipulated the reasons why the ICTY trial chamber decided not to hear evidence about it.<sup>55</sup> Nikola Šainović, former Deputy Prime Minister of the Government of the Federal Republic of Yugoslavia, who was sentenced by the ICTY to 18 years in prison for crimes against humanity committed in Kosovo, also denied the crime in Račak.<sup>56</sup>

The state commemoration on the occasion of the beginning of the NATO bombing of FR Yugoslavia was held on 24 March in Sombor. In his speech, the President of Serbia denied the crimes committed

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53 Law on the High Prosecutorial Council (*Official Gazette of RS, No. 10/2023*).

54 "Application will show whether the rule of law or the rule of policy becomes stronger", *Euronews*, Serbia, 7 February 2023, available at: <https://www.euronews.rs/srbija/politika/77146/strucnjaci-o-setu-pravosudnih-zakona-primenace-pokazati-jaca-li-vladavina-prava-ili-vladavina-politike/vest>, accessed 27 March 2024.

55 "General Vladimir Lazarevic for *Politika*: The world has already admitted that Racak is a big fraud", *Politika*, 15 January 2023, available at: <https://www.politika.rs/scc/clanak/532730/General-Vladimir-Lazarevic-za-Politiku-Svet-je-vec-priznao-da-je-Racak-velika-prevara>, accessed 27 March 2024.

56 "Farce of Indictments", *Vesti-online*, 17 January 2023, available at: <https://www.vesti-online.com/farsa-od-optuznica/>, accessed 27 March 2024.



by Serbian forces against Kosovo Albanians, made cynical use of the term "humanitarian catastrophe" in reference to the events in Kosovo in 1999, and also exaggerated the number of victims of the NATO bombing, citing a figure of about 2,500 civilians killed.<sup>57</sup> In addition to the main commemoration, several smaller events were organised in the presence of former military and political officials who were convicted or suspected of war crimes. Veselin Šljivančanin, a former JNA major convicted by the ICTY of violating the laws or customs of war, was part of the state delegation that laid flowers at the monument to Milica Rakić, a girl killed during the NATO bombing;<sup>58</sup> Nikola Šainović participated in the commemoration organised by the municipal organisation of the governing coalition member SPS in Vračar; Defence Minister<sup>59</sup> Miloš Vučević laid a wreath at the memorial to members of the 37<sup>th</sup> Motorised Brigade of the Yugoslav Army, in the presence of the former commander of that unit, Ljubiša Diković.<sup>60</sup> About 1,400 Albanian civilians were killed in the zone of responsibility of this brigade, and thousands of them were persecuted.<sup>61</sup>

The *Danas* daily gave media space to Veselin Šljivančanin, publishing a letter in which he disputed the facts of the verdict by which the ICTY sentenced him to 10 years in prison for violating the laws or customs of war in Vukovar, stating that his judgment "falls among convictions without a legal basis". Šljivančanin also complained about the treatment of Serbian accused in The Hague, as well as the fact that even after serving a prison sentence, he is not a free citizen and "has to wear a mark for the rest of his life".<sup>62</sup>

At the end of April, Nebojša Pavković, former commander of the Third Army of the Yugoslav Army, who was sentenced by the ICTY to 22 years in prison for crimes against humanity and violations of the laws or customs of war in Kosovo, addressed the students of the Elementary School in Kać, Serbia, through a video link from his prison in Finland and delivered a lecture on "Košare – Stories of Heroes", together with the Mayor of Novi Sad, Milan Đurić.<sup>63</sup>

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57 "On the occasion of the national commemoration of the anniversary of the NATO bombing", *HLC press release*, 25 March 2023, available at: <http://www.hlc-rdc.org/?p=38701&lang=de>.

58 "An officer of the JNA who wrote three books: Who is Veselin Šljivančanin, a convict from The Hague who is glorified by the government?", *Danas*, 25 March 2023, available at: <https://www.danas.rs/vesti/drustvo/oficir-jna-koji-je-napisao-tri-knjige-ko-je-veselin-sljivancanin-osudjenik-iz-haga-koga-vlast-glorifikuje/>, accessed 20 March 2024.

59 Available on the Instagram profile of SPS Vračar.

60 "Minister Vučević lays wreath to commemorate Remembrance Day for Victims of NATO Aggression", *Ministry of Defence*, March 24, 2023, available at: <https://www.mod.gov.rs/eng/19883/ministar-vucevic-polozio-venac-povodom-dana-secanja-na-zrtve-nato-agresije19883>, accessed on March 26, 2024.

61 "On the occasion of the retirement of Ljubiša Diković, the Chief of General Staff of the Serbian Armed Forces", *HLC press release*, 18 September 2018, available at: <http://www.hlc-rdc.org/?p=35653&lang=de>, accessed on 28 March 2024.

62 "Veselin Šljivančanin: The verdict states that I and my soldiers did not commit crimes", *Danas*, 8 April 2023, available at: <https://www.danas.rs/dijalog/reakcije/veselin-sljivancanin-u-presudi-stoji-da-ja-i-moji-vojnici-nismo-cinili-zlocine/>, accessed 28 March 2024.

63 Press release: "We call on the responsibility of the principal of the school in Kać and the Mayor of Novi Sad for celebrating a war criminal", *YIHR*, 16 May 2023, available at: <https://yih.rs/en/pozivamo-da-se-utvrdi-odgovornost-direktorke-skole-u-kacu-i-gradonacelnika-novog-sada-zbog-slavljenja-ratnog-zlocinca/>, accessed 28 March 2024.



In late May, the International Residual Mechanism for Criminal Tribunals (IRMCT) issued its final judgment for war crimes during armed conflicts in the former Yugoslavia. Former head of the State Security Service of the Ministry of the Interior of Serbia, Jovica Stanišić and Franko Simatović, were convicted on appeal of being members of a joint criminal enterprise responsible for war crimes in several municipalities of Bosnia and Herzegovina, as well as for the murder of Marija Senaši in Dalj Planina in Croatia; the judgment also established Serbia's participation in armed conflicts in BiH and Croatia.<sup>64</sup> Among state officials, there was no reaction to the verdict or to the judicial facts established by it. However, Tomislav Kovač<sup>65</sup>, former Minister of the Interior of Republika Srpska, against whom the BiH Prosecutor's Office issued an indictment charging him with genocide in Srebrenica – was often speaking in the media to analyse and interpret the judgment.

The day of remembrance for the victims of the military-police operation "Storm" was marked this year, on the decision of the President of Serbia and the President of Republika Srpska, with a commemorative gathering in Prijedor, a municipality in BiH where Serbian army and police forces killed over 3,000 civilians, mostly Bosniaks, during the armed conflict.<sup>66</sup>

In June, the Toplica District of the Republic of Serbia awarded the "Emperor Lazar" Vidovdan Charter to retired General Vladimir Lazarević, presenting it as "an example to the younger generations of how to fight for and defend their country".<sup>67</sup> Lazarević, as the Commander of the Priština Corps of the Yugoslav Army, was sentenced before the ICTY to 14 years in prison, for aiding and abetting crimes against humanity committed during the armed conflict in Kosovo. The identical rhetoric of glorifying a convicted war criminal was also to be heard from Serbian President Aleksandar Vučić during his address to MPs in February 2023, extolling General Lazarević as a "great hero" and a "Serbian hero from Kosovo and Metohija".<sup>68</sup>

During October and November, Vladimir Lazarević actively participated in the ceremonies of the Ministry of Labour, Employment, Veteran and Social Affairs, where veteran memorials were awarded to combatants of the armed conflicts of the 1990s as a special state recognition established by the

64 "HLC's Press Release regarding the Judgment of the IRMCT's Appeals Chamber in the case of Stanišić and Simatović", *HLC*, 31 May 2023, available at: <http://www.hlc-rdc.org/?p=38860&lang=de>.

65 Verdict against Stanisic and Simatovic: A New Revenge of The Hague Tribunal on Serbs? Tomo Kovač and Branko Lukić in the Heat of the Day ", *Kurir TV*, 1 July 2023, available at: <https://www.kurir.rs/vesti/politika/3720633/presuda-stanisticu-i-simatovicu-da-li-je-ovo-nova-osveta>, accessed 28 March 2024; "What is the background to the verdict against Jovica Stanišić and Franko Simatović?", *K1 TV*, 2 June 2023, available at: [https://www.youtube.com/watch?v=HDQL\\_7ZTX4](https://www.youtube.com/watch?v=HDQL_7ZTX4), accessed 28 March 2024.

66 "Kandić: The decision to mark the Day of Remembrance of the victims of the Operation Storm in Prijedor is politically and civilisationally unacceptable", *Gradski Portal*, 24 July 2023, available at: <http://www.hlc-rdc.org/?p=38987>.

67 "Famous recipients of Vidovdan charters, prestigious 'Tsar Lazar' award to General Lazarević", *Toplica Administrative District of the Republic of Serbia*, 19 June 2023, available at: <https://www.toplicki.okrug.gov.rs/vesti/poznati-dobitnici-vidovdanskih-povelja-prestizno-priznanje-car-lazar-generalu-lazarevicu/>, accessed on 28 March 2024.

68 Stenographic notes – Third special session of the National Assembly of the Republic of Serbia from February 2, 2023, available at: [http://www.parlament.gov.rs/upload/archive/files/lat/doc/stenografske\\_beleske/Treca % 20special % 20sessional % 20NSRS, % 202 % 20February % 202023 % 20years % 20LAT.docx](http://www.parlament.gov.rs/upload/archive/files/lat/doc/stenografske_beleske/Treca % 20special % 20sessional % 20NSRS, % 202 % 20February % 202023 % 20years % 20LAT.docx)





Decree on Veteran Memorials of March 2023.<sup>69</sup> At the ceremony of awarding veterans' monuments in Kuršumljia, Lazarević addressed the attendees and stated that "we are looking at the new face of Serbia – Serbia that is no longer ashamed of its combatants".<sup>70</sup> In mid-November, Vladimir Lazarević, former investigating judge Danica Marinković, former commander of Special Police Units Goran Radosavljević-Guri, and historian Dejan Antić, held a panel in the hall of the University of Niš, where they denied the crime against Kosovo Albanians committed in the village of Račak in 1999.<sup>71</sup>

In October of the same year, Dragoslav Bokan, founder and commander of the "White Eagles" paramilitary unit, was elected to the Council of the Faculty of Philology of the University of Belgrade.<sup>72</sup> Against the appointment of Bokan, students of the Faculty of Philology launched a petition stating that he was a person who "has been spreading hate speech for years and promoting bigotry, intolerance and violence".<sup>73</sup>

At the 66th Belgrade Book Fair, the Ministry of Defence continued to promote its editions "Warrior" and "Witness", as well as the documentary films of the Military Film Centre "Zastava Film", in which the role of the generals and units of the JNA and the Yugoslav Army in crimes committed in the wars in the former Yugoslavia is relativised.<sup>74</sup> The documentaries were screened about the 125<sup>th</sup> Motorised Brigade of the VJ, the 37<sup>th</sup> Motorised Brigade of the VJ and the 243<sup>rd</sup> Motorised Brigade of the VJ, whose members participated in the mass killings of civilians in Kosovo.<sup>75</sup> At the book fair, Vojislav Šešelj, the leader of the Serbian Radical Party, who was sentenced before the IRMCT to 10 years in prison for the persecution and deportation of Croats from Vojvodina as a crime against humanity, was, as usual, present at the central stand. At this year's book fair, the Organisation of the Elders of the Army of Republika Srpska was also presented for the first time. The president of this organisation

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69 "Minister Selaković ceremonially presented Veterans Memorials in Merosina", *Ministry of Labour, Employment, Veteran and Social Affairs*, 12 October 2023, available at: <https://www.minrzs.gov.rs/sr/foto-i-video/foto-galerije/ministar-selakovic-svecano-urucio-boracke-spomenice-u-merosini>; "Minister Selaković awarded the first group Veterans Memorials today in Medveda", *Ministry of Labour, Employment, Veteran and Social Affairs*, 6 October 2023, available at: <https://www.minrzs.gov.rs/sr/foto-i-video/foto-galerije/ministar-selakovic-danas-u-medvedji-dodelio-prve-grupne-boracke-spomenice>; "Selaković presented 53 veterans' memorials to fighters from the municipalities of Bujanovac, Preševo and Trgovište", *Ministry of Labour, Employment, Veteran and Social Affairs*, 22 October 2023, available at: <https://www.minrzs.gov.rs/sr/aktuelnosti/vesti/selakovic-urucio-53-boracke-spomenice-borcima-iz-opstina-bujanovac-presevo-i-trgoviste>.

70 "Kuršumljia has the most fighters in Serbia, Minister Selaković hands over Veterans Memorials for two days", *Toplica Vesti*, 3 November 2023, available at: <https://toplickevesti.com/kursumlija-ima-najvise-boraca-u-srbiji-ministar-selakovic-dva-dana-urucuje-boracke-spomenice/>, accessed on 28 March 2024.

71 "Račak Tribune: A tragic example of the attitude of the West towards the Serbian people", *Kosovo Online*, 17 November 2023, available at: <https://www.kosovo-online.com/vesti/politika/tribina-o-racku-tragican-primerodnosa-zapada-prema-srpskom-narodu-17-11-2023>, accessed 28 March 2024.

72 Available on the website of the Faculty of Philology – Council.

73 "Students petition against the appointment of Dragoslav Bokan as a member of the Council of the Faculty of Philology", *Danas*, 18 October 2023, available at: <https://www.danas.rs/vesti/drustvo/studenti-pokrenuli-peticiju-protiv-imenovanja-dragoslava-bokana-za-clana-saveta-filoloskog-fakulteta/>, accessed on 28 March 2024.

74 Programme of the Media Centre Defence, Ministry of Defence of the Republic of Serbia at the 66th International Belgrade Book Fair, October 2023.

75 "Dossier: Ljubiša Diković", HLC, 2012; "Dossier: 125th Motorized Brigade of the Yugoslav Army", HLC, 2013; "Dossier: Rudnica", HLC, 2015.



is Slobodan Župljanin, who is currently on trial before the Court of BiH for war crimes in the Kotor-Varoš area.<sup>76</sup>

In the parliamentary and local elections held on 17 December Vojislav Šešelj, convicted of war crimes before the ICTY, led the Serbian Radical Party (SRS). MP candidates included Vjerica Radeta and Petar Jojić, accused by the IRMCT of contempt of court, whom Serbia persistently refuses to arrest and extradite to the international court. The ruling Serbian Progressive Party participated in the Belgrade and other local elections in coalition with the Šešelj's Serbian Radical Party.<sup>77</sup>

In November, the IRMCT issued a new indictment for contempt of court against Vojislav Šešelj and four other SRS officials – Miljan Damjanović, Ljiljana and Ognjen Mihajlović and Miroljub Ignjatović.<sup>78</sup> Ljiljana Mihajlović and Miljan Damjanović were on the list of candidates for MPs on behalf of the SRS.

At the beginning of December, a video clip of Milivoje Batinica appeared in public, showing him during the match hitting one of the players of the football club he coaches.<sup>79</sup> Batinica and six other former members of the Jahorina Training Centre of the Special Brigade of the Police of Republika Srpska are charged before the High Court in Belgrade with participating in the shooting of over 1,300 Bosniaks from Srebrenica in July 1995.<sup>80</sup>

On 13 December a memorial room was opened at the Niš premises of the SPS City Board, a member party of the ruling coalition, to the former president of Serbia and the FRY, Slobodan Milošević, who was indicted before the ICTY for genocide, crimes against humanity and war crimes in Kosovo, Croatia and Bosnia and Herzegovina.<sup>81</sup>

The number of examples in which institutions and senior state officials, including the President of Serbia, relativise and deny war crimes, and promote criminals as heroes, confirms that the official memory politics in Serbia is actively directed towards revisionism and manipulative practices, and that victims, including victims of Serbian nationality, are not shown respect or empathy, but are treated in an unacceptable way, by denying or hindering their exercise of rights, while their suffering is neglected, silenced, relativised or openly denied.

76 "Indictment Confirmed Against Six Former Bosnian Serb Military Officials for Kotor-Varoš Crimes", *Detektor*, 30 December 2015, available at: <https://detektor.ba/2015/12/30/indictment-confirmed-against-six-former-bosnian-serb-military-officials-for-kotor-varos-crimes/?lang=en>, accessed on 26 March 2024.

77 "Šešelj: Radicals in Coalition with SNS in Belgrade and Local Elections", *Danas*, 1 November 2023, available at: <https://www.danas.rs/vesti/politika/seselj-radikali-u-koaliciji-sa-sns-na-beogradskim-i-lokalnim-izborima/>, accessed on 26 March 2024.

78 "New Hague indictment filed against Vojislav Šešelj", *Al Jazeera*, 23 November 2023, available at: <https://balkans.aljazeera.net/news/balkan/2023/11/23/podignuta-nova-haska-optuznica-protiv-vojislava-seselja>, accessed 26 March 2024.

79 "Serbian Coach and War Crimes Defendant Strikes Player, Opposition Seeks Response from Authorities", *RFE*, 1 December 2023, available at: <https://www.slobodnaevropa.org/a/batinica-napad-utakmica-ratni-zlocini/32709948.html>, accessed 27 March 2024.

80 Case: *Srebrenica* (Nedeljko Milidragović et al), available on the HLC website.

81 "In addition to the memorial hall, the Niš socialists are building a monument to Milošević, and they are also looking for a boulevard", *Južne Vesti*, 13 December 2023, available at: <https://www.juznevesti.com/Drushtvo/Uz-spomen-salu-niski-socijalisti-Milosevic-prave-i-spomenik-a-traze-i-bulevar.sr.html>, accessed on 26 March 2024.





