



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

26.11.2014

B8-0292/2014 }
B8-0294/2014 }
B8-0296/2014 }
B8-0300/2014 }
B8-0304/2014 }
B8-0306/2014 }
B8-0307/2014 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

EFDD (B8-0292/2014)
ECR (B8-0294/2014)
Verts/ALE (B8-0296/2014)
S&D (B8-0300/2014)
ALDE (B8-0304/2014)
GUE/NGL (B8-0306/2014)
PPE (B8-0307/2014)

on Serbia: the case of accused war criminal Šešelj
(2014/2970(RSP))

**Cristian Dan Preda, Andrej Plenković, David McAllister, Elmar Brok,
Dubravka Šuica, Davor Ivo Stier, Jaromír Štětina, Giovanni La Via, Joachim
Zeller, Tunne Kelam, Lorenzo Cesa, Franck Proust, Petri Sarvamaa, Bogdan
Brunon Wenta, Monica Macovei, Jeroen Lenaers, Seán Kelly, Jiří Pospíšil,
Gabrielius Landsbergis, Marijana Petir, Tomáš Zdechovský, Lara Comi,**

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László Tőkés, Ivana Maletić, Tadeusz Zwiefka

on behalf of the PPE Group

Josef Weidenholzer, Goffredo Maria Bettini, Liisa Jaakonsaari, Lidia Joanna Geringer de Oedenberg, Victor Boștinaru, Richard Howitt, Tonino Picula, Marc Tarabella, Nicola Caputo, Biljana Borzan, Doru-Claudian Frunzuliță, Miroslav Poche, Elena Valenciano Martínez-Orozco

on behalf of the S&D Group

Charles Tannock, Ruža Tomašić, Ryszard Czarnecki

on behalf of the ECR Group

Jozo Radoš, Ivo Vajgl, Ivan Jakovčić, Fernando Maura Barandiarán, Pavel Telička, Izaskun Bilbao Barandica, Marietje Schaake, Louis Michel, Marielle de Sarnez, Johannes Cornelis van Baalen, Gérard Deprez, Dita Charanzová, Petras Auštrevičius, Javier Nart, Antanas Guoga, Urmas Paet, Ilhan

Kyuchyuk

on behalf of the ALDE Group

Marie-Christine Vergiat

on behalf of the GUE/NGL Group

Davor Škrlec, Igor Šoltes, Ulrike Lunacek, Tamás Meszerics, Ernest

Urtasun, Barbara Lochbihler, Jordi Sebastià, Heidi Hautala, Klaus Buchner

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo, Ignazio Corrao

on behalf of the EFDD Group

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European Parliament resolution on Serbia: the case of accused war criminal Šešelj (2014/2970(RSP))

The European Parliament,

- having regard to its previous resolutions on Serbia,
 - having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia, which entered into force on 1 September 2013,
 - having regard to the Commission's 2014 progress report on Serbia of 8 October 2014 (SWD(2014)0302),
 - having regard to the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY),
 - having regard to Rule 65 of the Rules of Procedure and Evidence of the ICTY,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Vojislav Šešelj, the president of the Serbian Radical Party, is indicted before the ICTY for persecutions on political, racial or religious grounds, deportation, inhumane acts (forcible transfer)(crimes against humanity), and for murder, torture, cruel treatment, wanton destruction of villages or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war) in Croatia, Bosnia and Herzegovina and parts of Vojvodina (Serbia), committed between 1991 and 1993;
- B. whereas the ICTY was established by the United Nations in 1993 to deal with war crimes that took place in the 1990s, laying the foundations for conflict resolution and post-conflict development in the region;
- C. whereas on 6 November 2014, after more than eleven years of detention and while his trial is still ongoing, the Trial Chamber of the Tribunal issued an order *proprio motu* for the provisional release of Šešelj on the grounds of the deterioration of his health, subject to the conditions that he: (i) does not influence witnesses and victims; and (ii) appears before the Chamber as soon as it so orders; whereas Šešelj has displayed a hostile attitude towards the ICTY since the start of the trial by repeatedly interrupting, disrupting and retracting the proceedings before the Court, and has been charged with contempt of court on three separate occasions for intimidation of witnesses;

- D. whereas following his return to Serbia Šešelj made several public speeches in Belgrade in which he emphasised that he will not voluntarily return to the Tribunal when requested to do so, thereby announcing his intention to violate one of the two conditions under which he was released;
- E. whereas in his public statements Šešelj repeatedly called for the creation of ‘Greater Serbia’, publicly stating claims on neighbouring countries, including EU Member State Croatia, and inciting hatred against non-Serb people; whereas in a press release he congratulated the Serbian Chetniks on the ‘liberation’ of Vukovar, on the 23rd anniversary of the fall of that Croatian city to Serbian paramilitary forces and the Yugoslav army in 1991 and the associated atrocities, thereby violating the requirement not to influence the victims; whereas the Serbian peace group ‘Women in black’ gathered in Belgrade to mourn the victims of the siege in a performance entitled ‘We will never forget the crimes of Vukovar’;
1. Strongly condemns Šešelj’s warmongering, incitement to hatred and encouragement of territorial claims and his attempts to derail Serbia from its European path; deplores his provocative public activities and wartime rhetoric since his provisional release, which have reopened the victims’ psychological wounds from the war and the atrocities of the early 1990s; stresses that Šešelj’s recent statements could have the effect of undermining the progress made in regional cooperation and reconciliation and subverting the efforts of recent years;
 2. Reminds the Serbian authorities of their obligations under the framework for cooperation with the ICTY and of Serbia’s obligations as an EU candidate country; notes with concern that the absence of an adequate political reaction and legal response by the Serbian authorities regarding Šešelj’s behaviour undermines the trust of the victims in the judicial process; encourages the Serbian authorities and the democratic parties to condemn any public manifestation of hate speech or wartime rhetoric and to promote the protection of minority and cultural rights; asks the Serbian authorities to investigate whether Šešelj has violated Serbian law and to strengthen and fully apply the legislation outlawing hate speech, discrimination and incitement to violence; supports all political parties, NGOs and individuals in Serbia that fight against hate speech;
 3. Calls on the ICTY and its Prosecutor’s Office to take measures to re-examine the existence of requirements for provisional release under new circumstances; notes that different standards regarding the Tribunal’s practice concerning provisional release would not contribute to the achievement of the ICTY’s objectives; encourages the ICTY to take determined action to restore the trust in it that has been weakened by Šešelj’s appalling and inadmissible public statements, including taking all necessary measures to accelerate the completion of all trials and appeals before it; recalls that bringing perpetrators of war crimes to justice is an indispensable condition for a genuine and lasting reconciliation process;
 4. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President,

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Government and National Assembly of Serbia, the United Nations Security Council and the President of the ICTY.

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