



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

25.11.2014

B8-0307/2014

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

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

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on behalf of the PPE Group

B8-0307/2014

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

The European Parliament,

- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia that entered into force on 1 September 2013,
 - having regard to the Commission’s 2014 progress report on Serbia of 8 October 2014 SWD(2014) 302,
 - having regard to its previous resolutions on Serbia,
 - 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 the Rule 65 of the Rules of Procedure and Evidence of the ICTY,
 - having regard to Rule 135(5) 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); 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 in parts of Vojvodina (Serbia) committed from 1991 to 1993;
- B. whereas on the 6 November 2014, after more than eleven years of detention and while his trial is still on-going, the Trial Chamber of the Tribunal made the Order on The Provisional Release of Vojislav Šešelj *Proprio Motu* (Order) due to the deterioration of his health, under conditions that he (i) does not influence witnesses and victims, and (ii) appears before the Chamber as soon as it so orders;
- C. whereas since his provisional release, Vojislav Šešelj has made a series of public statements and speeches in which he repeatedly encouraged and called for the creation of “Greater Serbia“, publicly declared territorial pretensions against neighbouring countries, including EU Member State Croatia, and incited hatred towards non-Serb people;
- D. whereas on the 12 November 2014, at a political rally organized by his followers, Vojislav Šešelj declared in front of thousands of people that he will not voluntarily

return to the Tribunal and thereby announced that he will violate one of the two conditions under which he was released, because, as he explained, his priorities are “first political action, and only then therapy”;

- E. whereas on the 18 November 2014, Vojislav Šešelj made a press release in which he congratulated “the Serbian Chetniks on ‘liberation’ of Vukovar” on the very day when the fall of the Croatian town of Vukovar to Serbian paramilitary forces and Yugoslav army and associated atrocities in 1991 are commemorated, and thereby violated the requirement not to influence the victims;
1. Strongly condemns Šešelj's warmongering, incitement to hatred, encouragement of territorial pretensions, attempts to destabilize the South-East Europe and derail Serbia from its European path; deplores Šešelj's provocative public activities and wartime rhetoric since his provisional release which renew the victims' psychological scars of the war and atrocities committed during early 1990s; stresses that Šešelj's recent statements might hinder the progress in regional cooperation and reconciliation, and subvert the efforts made in the recent years;
 2. Reminds the Serbian authorities of their obligations provided by the framework on cooperation with the ICTY and their 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 to condemn any public demonstration of hate speech, wartime rhetoric and to investigate whether Vojislav Šešelj violated Serbian laws and convey their position on this issue;
 3. Calls on the ICTY and the ICTY's Office of the Prosecutor to undertake measures to re-examine the existence of requirements for provisional release under new circumstances; reiterates the doubts about the Tribunal's trust that Vojislav Šešelj will comply with the requirements, namely that he will not influence witnesses or victims and that he will appear before the Chamber when required, as well as questions about the vaguely defined obligations arising from the Serbian guarantee; emphasizes that different standards regarding the Tribunal's practice concerning release would not contribute to the achievement of the ICTY's objectives; encourages the ICTY to take determined actions to reaffirm confidence in the ICTY undermined by Šešelj's appalling and inadmissible public statements, including taking all necessary measures to accelerate the completion of all trials and appeals before it;
 4. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of Serbia, the United Nations Security Council and the President of the ICTY.