



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

25.11.2014

B8-0292/2014

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 EFDD Group

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

The European Parliament,

- Having regard to the statement by High Representative/Vice President Federica Mogherini following her meeting with Deputy Prime Minister of Serbia, Ivica Dačić,
 - Having regard to the European Parliament resolution of 16 January 2014 on the 2013 progress report on Serbia
 - Having regard to the ICTY, Decision on Vojislav Seselj's complaint to the President of the ICTY - 13 September 2013
 - Having regard to its rules of procedures
- A. Whereas Vojislav Šešelj surrendered voluntarily on February 2003 but his trial did not begin until November 2007; whereas during the trial Šešelj was never collaborative and has been charged with contempt in two different occasions for intimidation of witnesses,
- B. Whereas Šešelj allegedly participated in a JCE (Joint criminal enterprise) with the purpose to forcibly remove the majority of the Croat, Muslim and other non-Serb populations from large parts of Croatia, Bosnia and Herzegovina and Vojvodina, in order to make these areas part of a new Serb-dominated state,
- C. Whereas Šešelj is charged on the basis of individual criminal responsibility for persecutions on political, racial or religious grounds, deportation, inhumane acts (crimes against humanity) and murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or willful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war)
- D. Whereas in accordance with the requirements of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia (ICTY), an accused may be granted provisional release if the Chamber is satisfied that, if released, the accused will not pose a danger to any victim, witness or other

person and will appear before the Tribunal when the Chamber orders him to do so

- E. Whereas on the 6th of November 2014 the ICTY ordered the provisional release of Šešelj due to the deterioration of his health.
- F. Whereas the Republic of Serbia agreed to Šešelj provisional release on humanitarian grounds on the conditions to not influence witnesses and victims, and to appear before the Chamber as soon as it so orders,
- G. Whereas after its release Šešelj engaged in a series of activities violating the conditions for its release including organizing a political rally the day after his liberation in which he reaffirmed the idea of 'Greater Serbia', which included significant parts of Bosnia and Herzegovina and Croatia,
- H. Whereas Šešelj publically declared that he will not respect the conditions imposed on him by the tribunal and he will not voluntarily return to the Hague,
 - 1. Strongly condemns Šešelj activities and public appearances since its release and asks him to stop activities that may wake any national, religious or ethnic tension and to fully respect the conditions of his provisional release,
 - 2. Strongly condemns Tuesday 18 November speech of Šešelj where he congratulated the "Serb liberators of Vukovar", on the anniversary of the eastern Croatian town's brutal capture in 1991 by the Yugoslav army and Serb rebels including Šešelj 's militia,
 - 3. Reminds that the release of Šešelj is provisional on humanitarian grounds and that he needs to return to The Hague if the Court order so,
 - 4. Is deeply worried by Šešelj declarations on going back to Serbia "not for treatment, but for revenge"; is convinced that Šešelj provisional release on humanitarian ground should only allow him to be treated for his health condition,
 - 5. Believes that if the conditions for the release are not respected, judges of the ICTY should demand for Seselj to be brought back to The Hague , where he should have access to adequate medical treatment while in jail,
 - 6. Reminds once again the importance for Serbia, its people and its neighbors to reconcile with the past and go on and believes that the only way to achieve that is

to satisfy the need of justice and ending impunity through fair trials conducted by the International Criminal Tribunal for the former Yugoslavia,

7. Instructs its President to forward this resolution to the President, the Government and Parliament of Serbia, the EEAS, the Council, the Commission and the International Criminal Tribunal for the former Yugoslavia,