

**Question for written answer P-009048/2012
to the Commission
Rule 117
Bernd Posselt (PPE)**

Subject: Trial contrary to the rule of law in Serbia

On 19 September 2012 the Belgrade District Court, a special court for war crimes, sentenced 11 ethnic Albanians (Agush Memishi, Samet Hajdari, Nazif Hasani, Ahmet Nasani, Burim Fazliu, Selimon Sadiku, Faton Hajdari, Ferat Hajdari, Kamber Sahiti, Sadik Aliu and Shefqet Musliu) from the south Serbian municipalities of Preševo and Bujanovac to a total of 116 years in prison. There are serious doubts about the trial's compatibility with the rule of law, and according to the documents held by Eulex the main witness for the prosecution was not even present when the defendants allegedly committed war crimes against Serbians in Kosovo in 1999.

The case is now going to the Court of Appeal, which has already overturned one such judgment as unfair.

What is the Commission's view of these proceedings in a candidate country given that the rule of law is one of the EU's governing principles, and ought it not to be for Eulex to rule on criminal offences allegedly committed on Kosovo soil?